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1. Livy (i. 43, 7) adds to the fifth class of citizens in the Servian classification a century of *accensi (in his accensi, cornicines, tubicinesque, in tres centurias distributi)*; and Cicero, in a fragmentary passage (*de Rep.* ii. 22, 40), writes *quin etiam accensis velatis, liticinibus, cornicinibus, proletariis* . . . . Lange corrects Livy, reading *in his accensis*, and takes *accensi* to be the general name for the fifth class, accepting also the earlier correction *in II. centurias* (approved by Sir G. C. Lewis). This has the advantage of bringing the total number of centuries (193 instead of 194) into harmony with the statements of Dionysius and Cicero, and giving an odd number instead of an even one. Whether Livy was mistaken, or his text is corrupt, may be doubtful; but the view that *accensi* denotes the whole of the fifth class can hardly be disputed. The alternative hypothesis of Niebuhr, that the *accensi* were those citizens who possessed between 12,500 and 7000 asses, while those possessing between 7000 and 1500 were called *velati*, has but slight support, and is generally abandoned.

2. As a military term, *accensi* denotes the reserve-soldiers, who, at the time when each soldier had to find his own arms, could provide themselves with nothing better than sticks and stones. Besides serving as light infantry, they would add force to the impact of the phalanx by pressing on from behind. From their lack of defensive armour they were known as *velati*; but when any heavy-armed soldiers were killed or wounded, the *accensi* took their places, and used their armour and [illegible] (Varro, *L. L.* vii. 56; Paul. D. s. v. [illegible]). They were also [illegible], probably as Cato says (*ap.* Paul. D. *l. c.*) *quod tela ac potiones militibus pugnantibus ministrabant;* not as Varro suggests, *qui ea modi habebant arma quae ferrentur, ut jaculum.* (Corssen, *Krit. Beitr.* p. 178, suggests a wholly different derivation.) After B.C. 352, when soldiers received pay from the state, the *accensi* provided themselves with better weapons; but we find even on the Column of Trajan a soldier armed with stones alone. At this later stage the term *rorarii* was in use for the light-armed slingers, while the *accensi* denoted the *proletarii* who were *ad legionum censum adscripti.* The term *accensi* was also used to denote the attendants on the cavalry, who held their spare horses (Paul. D. s. v. *pares equi;* Varr. *L. L.* v. 82), and the orderlies of the centurions (Fest. s. v. *optio: optio qui nunc dicitur, antea appellabatur accensus; is adjutor dabatur centurioni a tribuno militum*).

3. The magistrates who were attended by lictors had also supernumerary attendants (*accensi*), who did not bear the fasces, but were ready to replace a lictor if occasion should arise. So long as the custom lasted that the two colleagues were preceded by the fasces on alternate days, an *accensus* attended on the one *penes quem fasces non erant.* There is no sufficient reason to assume with some that these attendants were always chosen from the class of *accensi;* in later times they were generally the freedmen of the magistrates whom they served. (Cic. *ad Q. fr.* i. 1, 4, 12; *in Verr.* iii. 67, 157; *ad Att.* iv. 6, 12, and often in inscriptions.) Among the duties of an *accensus* was to summon the people to the *comitia* (Varr. *L. L.* vi. 88):

the *accensus* of the consul, and afterwards of the praetor, also proclaimed the third, the sixth, and the ninth hour of the day in the *comitium*.

4. On inscriptions of the time of the Empire mention is made of *accensi velati*, who formed a college of 100 members, charged with the superintendence of the public roads. They consisted largely of knights and high officials, and were exempt *a tutelis et curis* (*Frag. Jur. Rom. Vat.* § 189: cf. Mommsen in *Annali dell' Instit. Arch.* 1849, p. 209). It is probable that they derived their name and functions from the *centuria accensorum velatorum*, mentioned above, who may have had charge of the communications of the army in the field (Marquardt, *Staatsr.* ii. 319). [A. S. W.]

ACCEPTILA'TIO is a formal mode of extinguishing a verbal obligation. The debtor says to the creditor, "Quod ego tibi promisi, habesne acceptum?" and the creditor answers, "Habeo" (Gai. iii. 169); or the form might be, "Accepta facis decem" (sc. sestertia), answer "Facio" (Dig. 43, 4, 7). This method of release was not regarded as peculiar to Romans, but a part of general law (*juris gentium est*), and thus the words might be Greek without impairing the effect. The term Acceptilatio must have been originally borrowed from bookkeeping, and in this connexion we find *acceptum* (*accepto*) *ferre* used in Dig. 21, 2, 4, § 1; 32, 1, 29, § 2, &c.: and in a metaphorical sense, "to credit with," in Val. Max. ii. 7, Ext. 2; viii. 2, § 3; Sen. *Ep.* 78, § 2. But *acceptum facere* or *fieri* is used [illegible] putting an end to an obligation [illegible]; Plin. *Ep.* ii. 4, vi. in Cic. *Verr.* iii. [illegible]uently and indis- 34; and in the lawy[illegible] criminately with *acceptum fieri*. [illegible] clinable *acceptum accepto* (dative?) is sometimes used by the lawyers. *Acceptum* (*accepto*) *rogare* is used of the debtor who seeks to be freed. The spoken words constituted an acceptilatio, but a record of the act would, as in other cases, be written and preserved. An *apocha* was what we call a receipt. (See examples in Bruns, *Fontes*, pt. ii. 8.) It was evidence of a payment, but might be rebutted by proof that the repayment had never actually taken place. But acceptilatio was a formal release of the obligation, and operated effectually whether payment had or had not been received. "Velut solvisse videtur qui acceptilatione solutus est" (Dig. 46, 4, 16 and 19). In form an acceptilatio must be absolute, not conditional, and must release at once, and not at a deferred date (*ib.* ss. 4, 5). It was applicable only to debts contracted by stipulation; the form of release must strictly follow the form of obligation, and the parties to the stipulation must (themselves or their heirs or slaves) be present and parties to the release. But the difficulty arising from these restrictions was got over by a new stipulation being entered into referring to the existing obligation, and giving it a new form suitable to the intended release. [See NOVATIO.] Hence a future debt was converted into a present one,—a debt due from Titius was converted into one due from his procurator; and an obligation arising from a loan or sale, &c., was stated in a stipulation and verbally promised (*ib.* s. 13, § 10). The new verbal obligation extinguished the old obligation, and was in turn itself extinguished by the formal acceptilatio. Gallus Aquilius invented a formula for reducing the whole liab[illegible] another to a single oblig[illegible] might be thus extinguis[illegible] given in s. 18, Inst. iii. [illegible] the *Aquiliana stipulatio*.

What is invalid as [illegible] take effect as an agr[illegible] 2, 14, 27, § 9). [illegible] of a *donatio mortis* [illegible] husband and wife, th[illegible] latio was suspended til[illegible] (Dig. 39, 6, 24; 24, 1[illegible] authorities are Gai. iii. [illegible] Inst. iii. 29, §§ 1, 2.

ACCESSIO, "addit[illegible] technical word, but is u[illegible] connexions in a some[illegible] The verb *accedere* is sim[illegible]

1. In some bargains it[illegible] the price, to stipulate fo[illegible] (*accessiones*). In the d[illegible] Cato we have mentio[illegible] money and kind made to[illegible] ing the olives (*R. R.* 14[illegible] and salt to the contra[illegible] besides a small sum [illegible] (*vasarium*, ib. 145). [illegible] sold before gathering ([illegible] conditions of sale was t[illegible] the auctione[illegible] cent. m[illegible] *emerit o*[illegible] This wa[illegible] collector[illegible] Lex Me[illegible] Such a c[illegible]

which Verres [illegible] farmers over [illegible] of corn due o[illegible] 49, 50). Colu[illegible] and other extra[illegible] farming tenants[illegible] lations for market[illegible] a provision that, in[illegible] buyer should rec[illegible] money he has give[illegible] 1, 25, § 9; cf. ss. 2[illegible] is said by Pliny to [illegible] 50,000 sesterces and [illegible] the bargain: *accessi*[illegible] xxxiv. § 11).

2. In the law writer[illegible] used in speaking of [illegible] accessories as share th[illegible] cipal (*accessio cedit pri*[illegible] used to include accr[illegible] opposed to growths ([illegible] *omnibus accessionibus*, i[illegible] 1). Such accretions [illegible] land, trees planted in g[illegible] bank, writing on paper, [illegible] embroidery on dresses[illegible] controversy existed wh[illegible] man on another's pan[illegible] principal or accessory[illegible] favour of the painter, [illegible] cases, would have to rei[illegible] panel (Inst. ii. 1, §§ 29[illegible] secondary objects as ar[illegible] with a thing (to which[illegible] modern lawyers would

ul. §§ 78, 81)
n as the terms
testator may
, § 1; ss. 32,
neral law see

3) in reckoning
uccession, when
addition of the
n (*e.g.* a vendor
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, 2, 18; 44, 3, 6,
ores and other sure-
s accessories to the
26; Dig. 46, 1, s. 3;
[H. J. R.]
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rriages, funerals
ONIUM, FUNUS,
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&c.; Capitol.
11; Lamprid.
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Acclamationibus
hesaur. Rom. Antiq.
Acta Fratr. Arval.
W. S.] [A. S. W.]
UBITIO, the act of
] [W. S.]
h used for reclining
the imperial period
re ancient *triclinium.*
y number of guests,
ly accommodated three.
nd veteres accubitorum
prid. *Heliog.* 19, 25,
oc.; *C. I. L.* iii. 4441,
. . . restituit;" Lab-
ἀνακλιντήριον;" Mar-
. p. 298; cf. Lamprid.
s accubitionum cresce-
rum.") The accubitum
curious than the tricli-
nd pillows were called
ll. *Claud.* 14.) [W. S.]
DEX.]

ACERRA, the incense box used in sacrifices. (Hor. *Carm.* iii. 8, 2; Verg. *Aen.* v. 745.) The

Acerra, Incense Box.

incense was taken out of the acerra and let fall upon the burning altar: hence we have the expression *de acerra libare.* (Ov. *ex Pont.* iv. 8, 39; Pers. ii. 5.) It was distinct from the *turibulum* or censer in which incense was burnt; and was the more common mode of offering incense. [TURIBULUM.] The acerra represented above is taken from a frieze in the museum of the Capitol. Another figure, from a bas-relief at Rome (*ap.* Daremberg and Saglio, *s.v.*), illustrates the [illegible] of it. The acerra was also, according to Festus (*s. v.*), a small altar, placed before the dead, on which perfumes were burnt. There was a sumptuary law in the Twelve Tables which restricted the use of acerrae at funerals. (Cic. *de Leg.* ii. 24, 60.) [J. Y.] [W. W.]

Servant carrying the Acerra.

ACETABULUM. I. GREEK (ὀξίς, ὀξύβαφον, ὀξυβάφιον, ἐμβάφιον). A small shallow vessel, used originally, as the name denotes, for holding vinegar or sauces, to dip the food into (Poll. vi. 85; Athen. xi. 494 b; Suidas, *s. v.* ὀξὶς and ὀξύβαφον). It was afterwards employed for a variety of other purposes, *e.g.* for holding salad (Athen. ii. 64 a), wine (Athen. xi. 494 c–f), or honey (Alex. Com. *Frag.* 3, 462), or for playing one form of the game of cottabos (Athen. xv. 667 e; Poll. x. 86). [COTTABOS.] [J. H. O.]

II. ROMAN. Originally a vessel for holding vinegar (*acetum*, Isidor. xx. 4, 12); then any similar vessel (Quintil. *Inst. Or.* viii. 6, § 35). It was sometimes made of silver (Dig. 34, 2, 19, § 9). The word is used of the socket of the hip-bone (Plin. *H. N.* xxviii. § 179); the suckers in the arms of polypi (id. ix. § 86); and the cup of a flower (id. xviii. § 245), from which we get the general idea of a small vessel of bell shape with a wide mouth. The first cut represents an acetabulum, given in Dennis's *Etruria*, vol. i. p. cxii.; the second, from Cassini's *Pitture antiche*,

Acetabulum.

Rome, 1783 (*ap.* Daremberg and Saglio, *s. v.*), shows two such vessels, probably containing condiments, placed on either side of a sucking pig

Dish showing two small Acetabula.

that has been served up in a lanx. Similar vessels were used by conjurers in their tricks (Sen. *Ep.* 45, 7, with Lipsius's note); and the name was also applied to a kind of cymbal (Isid. iii. 21, 11). [A. G.]

ACETA'BULUM, a Roman measure of capacity, fluid, and dry, equivalent to the Greek ὀξύβαφον. It was one-fourth of the hemina; and therefore one-eighth of the sextarius. It contained the weight in water of fifteen Attic drachmae. (Plin. *H. N.* xxi. § 185.) [P. S.]

ACHAICUM FOEDUS (τὸ Ἀχαϊκόν), the league or confederation of a number of towns on the north-west coast of Peloponnesus. In speaking of the Achaean league we must distinguish between two periods, an earlier and a later one. The former, though formed for mutual protection, was mainly of a religious character, whereas the latter was pre-eminently a political confederation to protect the towns against the domination of Macedonia.

1. *The earlier League.*—When the Herakleidae took possession o Peloponnesus, which until then had been inhabited chiefly by the Achaean race, a portion of the latter, under [illegible] turned northwards and took possession of the northern coast of the peninsula, which was called Αἰγιαλός: the Ionians, who had hitherto occupied that country, took refuge in Attica and on the west coast of Asia Minor. The country thus occupied by the Achaeans, from whom it derived its name of Achaia, contained twelve towns which had been leagued together even in the time of their Ionian inhabitants. They were governed by the descendants of Tisamenos, until, after the death of king Ogyges, they abolished the kingly rule and established democratic institutions. The time when this happened is not known. In the time of Herodotus (i. 145; comp. Strab. viii. p. 483 foll.) the twelve towns of which the league consisted were: Pellene, Aegeira, Aegae, Bura, Helike, Aegion, Rhypes, Patrae, Pharae, Olenos, Dyme, and Tritaea. After the time of Herodotus, Rhypes and Aegae disappear from the number of the confederate towns, as they had decayed and become deserted (Paus. vii. 23, 25; Strab. viii. p. 387), and Leontion and Keryneia stepped into their place (Polyb. ii. 41; comp. Paus. vii. 6). Helike appears to have been their common place of meeting; but this town, together with Bura, was swallowed up by the sea during an earthquake in B.C. 373, whereupon Aegion was chosen as the place of meeting for the confederates (Strab. viii. p. 384; Diod. xv. 48; Paus. vii. 24). Of the constitution of this league very little is known; but it is clear that the bond which united the different towns was very loose, and less a political than a religious one, as is shown by the common sacrifice offered at Helike to Poseidon. W[illegible] Aegion had h[illegible] league, the co[illegible] the principal [illegible] surnamed Ho[illegible] chaea (Paus. [illegible] connexion amo[illegible] of view is evid[illegible] them acted occas[illegible] rest (Thuc. ii. 9). kept aloof from t[illegible] Greece, on which a[illegible] particular influence [illegible] league was broken u[illegible] they were nevertheles[illegible] other Greek states o[illegible] sincerity, and wise[illegible] battle of Leuktra[illegible] between the T[illegible] (Polyb. ii. 39). Antigonos Gonat[illegible] their towns, wh[illegible] rising of tyrant[illegible] rated from one [illegible] tion was gradu[illegible]

2. *The later L[illegible]* had thus ceased[illegible] events took pla[illegible] the ancient spi[illegible] B.C. 281 A[illegible] Ptolemaeo[illegible] donia, the[illegible] opportuni[illegible] and rene[illegible] grand obj[illegible] mon wors[illegible] the confed[illegible] shook off the [illegible] and Patrae, an[illegible] them was speed[illegible] and Pharae (P[illegible] another now ex[illegible] and tyrants; a[illegible] head of the anc[illegible] of the other t[illegible] confederation [illegible] ciples of its [illegible] afterwards ma[illegible] introduced. Th[illegible] henceforth the c[illegible] separable state; that[illegible] join it should have eq[illegible] and that all members[illegible] tries should be rega[illegible] bound in every res[illegible] government and those[illegible] with the executive [illegible] town, therefore, was [illegible] foreign power without[illegible] Aegion, for religious r[illegible] pointed the seat of the [illegible] this distinction until t[illegible] who proposed a measur[illegible] national meetings shoul[illegible] any of the other town[illegible] whether this plan was [illegible] Aegion, therefore, the [illegible] towns met at stated an[illegible] berate upon the common[illegible] tion, and if necessary up[illegible] town or even individuals[illegible] of the league. After ha[illegible]

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of Demeter Pana-
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trab. viii. p. 385;
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(Liv. xxxi. 25;
Arat. 41). Every
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ncil (*βουλή*), which seems
nt (Polyb. xxiii. 7, xxviii.
53). The principal sub-
mbly had to decide were
. iv. 15 foll.); the recep-
the confederacy (Polyb.
f the magistrates of the

confederation (Polyb. iv. 37, 82; Plut. *Arat.* 41); the punishment of offences committed by the magistrates, though sometimes special judges were appointed for that purpose, as well as the honours and distinctions to be conferred upon them (Polyb. iv. 14, viii. 14, xl. 5, 8; Paus. vii. 9). The ambassadors of foreign states had to deliver their messages to the assembly, where they were discussed by the assembled people (Polyb. iv. 7, xxiii. 7 foll., xxviii. 7; Liv. xxxii. 9). The assembly further had the power to determine as to whether negotiations were to be carried on with any foreign power or not, and no single town was allowed to send an embassy to a foreign power on its own responsibility, even on matters of merely local importance, although otherwise every individual town managed its own internal affairs at its own discretion, so long as it did not interfere with the interests of the league. No town, moreover, was allowed to accept presents from a foreign power (Polyb. xxiii. 8; Paus. vii. 9). The votes in the assembly were given according to towns; each town, whether large or small, having one vote (Liv. xxxviii. 22 foll.).

The principal officers of the Achaean league were:—

1. At first two strategi (*στρατηγοί*), but after the year B.C. 255 there was only one (Strab. viii. p. 385), who, in conjunction with the hipparchus (*ἵππαρχος*) or commander of the cavalry (Polyb. v. 95, xxviii. 6) and an under-strategus (*ὑποστρατηγός*, Polyb. iv. 59), commanded the army furnished by the confederate towns, and was entrusted with the whole conduct of the war.

2. A state[illegible]ary (*γραμματεύς*).

3. An apparently permanent council of ten men, called the *δημιουργοί* (Strab. viii. p. 385; Liv. xxxii. 22, xxxviii. 30; Polyb. v. 1, xxiii. 10, where they are called *archontes*). These demiurgi, whom Polybius in another passage (xxxviii. 5) calls *γερουσία*, appear to have presided at the great assemblies, which either they or the strategus might convene, though it seems that the latter could do so only when the people were convened in arms or for military purposes (Polyb. iv. 7; Liv. xxv. 25).

All the officers of the league were elected in the assembly held in the spring, at the rising of the Pleiades (Polyb. ii. 43; iv. 6, 37; v. 1), and legally they were invested with their several offices only for one year; but it often happened that men of great merit, like Aratos and Philopoemen, were re-elected for several successive years (Plut. *Arat.* 24, 30; *Cleom.* 15). If an officer died during the period of his office, his place was filled by his predecessor, until the time for the new elections arrived (Polyb. xl. 2). The close union subsisting among the confederates was, according to Polybius (ii. 37), strengthened by their adopting common weights, measures, and coins. Many Achaean coins are preserved in various collections.

The Achaean league might at one time have become a great power, and might have united at least the whole of Peloponnesus into one state; but the original objects of the league were in the course of time so far forgotten that it sought the protection of those against whom it had been formed; and the perpetual discord among its members, the hostility of Sparta, the intrigues of the Romans, and the folly and rashness of the

last strategi brought about not only the dissolution and destruction of the confederacy, but the political annihilation of the whole of Greece in the year B.C. 146. After a time the Romans again allowed certain national confederations to be renewed (Paus. vii. 16), but they had no political influence, and were entirely dependent upon the Roman governor of Macedonia, until in the reign of Augustus all Greece was constituted as a Roman province under the name of Achaia. (Comp. Schorn, *Gesch. Griechenlands von der Entstehung des Aetol. u. Achaeischen Bundes*, p. 49 foll. and p. 60 foll.; Drumann, *Ideen zur Gesch. des Verfalls der Griech. Staaten*; K. F. Hermann, *Griech. Staatsalterthümer*, § 185 foll.; Thirlwall, *Hist. of Greece*, vol. viii. p. 86 foll.; Hertzberg, *Gesch. Griechenlands unter den Römern*, vol. i.; Schömann, *Griech. Alterthümer*, vol. ii. p. 106 foll.) [L. S.]

ACHANE (ἀχάνη), a Persian and Boeotian measure, equivalent to 45 Attic medimni. (Aristot. *ap.* Schol. *ad* Aristoph. *Acharn.* 108, 109; Suid. *s. v.*) According to Hesychius, a Boeotian ἀχάνη was equal to one Attic medimnus. (Hultsch, *Griech. u. Röm. Metrol.* pp. 257, 275.) [P. S.]

ACHARISTIAS DIKĒ (ἀχαριστίας δίκη), mentioned among private actions by Pollux, viii. 31; but according to Xenophon, *Mem.* ii. 2, § 13, the law recognised no ἀχαριστία except towards parents. [KAKOSIS.] [W. W.]

AC'IES. [EXERCITUS.]

ACINACES (ἀκινάκης), a Persian sword, whence Horace (*Carm.* i. 27, 5) speaks of the *Medus acinaces*. It was a short and straight weapon, and thus differed from the Roman *sica*,

Acinaces or Persian Sword.

which was curved. (Pollux, i. 138; Joseph. *Ant. Jud.* xx. 7, § 10.) [SICA.] It was worn on the right side of the body ("insignis *acinace dextro*," Val. Flacc. *Argon.* vi. 701), whereas the Greeks and Romans usually had their swords suspended on the left side.

The form of the acinaces, with the method of using it, is illustrated by the preceding Persepolitan figures. In all the bas-reliefs found at Persepolis, the acinaces is invariably straight, and is commonly suspended over the right thigh, never over the left, but sometimes in front of the body. The form of the acinaces is also seen in the statues of the god Mithras.

A golden ac
Persian nobili

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ACIS'CULUS
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Colum. *R. R.* v. 1, §
ll. cc.; Isidor. *Orig.* xv
p. 481.)

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(ἄκρατος οἶνος), whenc
[See CENA.]

ACRATOPH'ORUM
for containing pure and
thus distinct from the *cr*
was mixed with water.
the *oenophorum* in being
[CRATER; OENOPHORUM]
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ble vase bearing
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bon. vii. 56, 62),
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630.) [W. W.]

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eard with pleasure,
ical piece, e.g. *vetera*
); but also a play, a
3), or a recitation, such
als. The word is also
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49; *pro Arch.* 9,
crob. *Sat.* ii. 4), or
pro Sest.
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4). [ANA-
A. S. W.]

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nd hands, or toes
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(ii. 8, § 11); but
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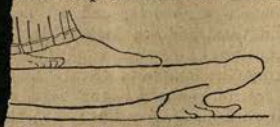
, § 4; vii. 21, § 4
or 6; viii. 31, § 1
It is a mistake
t all the statues of this kind
earlier period. They continued
east down to the time of Praxi-
Jacobs, *Comment. in Anthol.*
pt. 1, p. 298; Winckelmann,
st, P. i. c. 2, § 13; Müller,
[P. S.]

UM (ἀκροπόδιον). The only
ncient author where the word
gin. *Fab.* 88, where a sword is
sub acropodio Minervae. This



, from the Naples Museum.

nly a low pedestal a little off the
ose here figured from the Neapo-
n Museums. The explanation in
of Stephens's *Thesaurus*, s. v.
it is equivalent to ἄκροι πόδες,

the toes of the statue itself, is much less satisfactory. [W. W.]

Acropodium, from the British Museum.

ACROP'OLIS (ἀκρόπολις). In almost all Greek cities, which were usually built upon a hill, rock, or some natural elevation, there was a kind of tower, a castle, or a citadel, built upon the highest part of the rock or hill, to which the name of *acropolis* was given. Thus we read of an acropolis at Athens, Corinth, Argos, Messene, and many other places. The Capitolium at Rome answered the same purpose as the Acropolis in the Greek cities; and of the same kind were the tower of Agathocles at Utica (App. *Pun.* 14), and that of Antonia at Jerusalem (Joseph. *B. J.* v. § 8; *Act. Apostol.* xxi. 34). At Athens, the Acropolis served as the treasury, and as the names of all public debtors were registered there, the expression "registered in the Acropolis" (ἐγγεγραμμέν. ς ἐν Ἀκροπόλει) always means a public debtor (ἐν ἀκροπόλει γεγραμμένοι, Dem. *c. Theocr.* p. 1337, § 48; Böckh, *Publ. Econ. of Athens*, p. 388). For an account of the Acropolis at Athens, see *Dict. of Geogr.* i. p. 265 foll. [W. S.]

ACROSTOL'IUM (ἀκροστόλιον). [NAVIS.]

ACROTE'RIUM (ἀκρωτήριον) signifies an extremity of anything. It is generally used in the plural. **1.** In Architecture it was used originally in the same sense as the Latin *fastigium*, namely, for the sloping roof of a building, and more particularly for the ornamental front or gable of such a roof; that is, *the pediment.* (Plut. *Caes.* 63, compared with Cic. *Phil.* ii. 43, 110, and Suet. *Caes.* 81.) The usual meaning of *acroteria*, however, is the pedestals placed on the summit of a pediment to receive statues or other ornamental figures. There were three *acroteria*, one above each angle of the pediment. Vitruvius says that those over the outer angles (*acrot. angularia*) should be as high as the apex of the tympanum, the central one (*acrot. mediana*) an eighth part higher (Vitruv. iii. 3, or iii. 5, § 12). Some writers include the statues themselves as well as the bases under the same (Salmas. in Ael. Spart. *Pescenn. Nig.* 12; Bursian ap. Pauly, *s. v.*), but this appears to be a mistake; in Plato, *Criti.* 116 D, the pinnacles or *flèches* of a temple are all that is meant. **2.** The extremities of the prow of a vessel, which were usually taken from a conquered vessel as a mark of victory: the act of doing so was called ἀκρωτηριάζειν. (Xen. *Hell.* ii. 3, § 8; vi. 2, § 36; Herod. iii. 59, viii. 121.)

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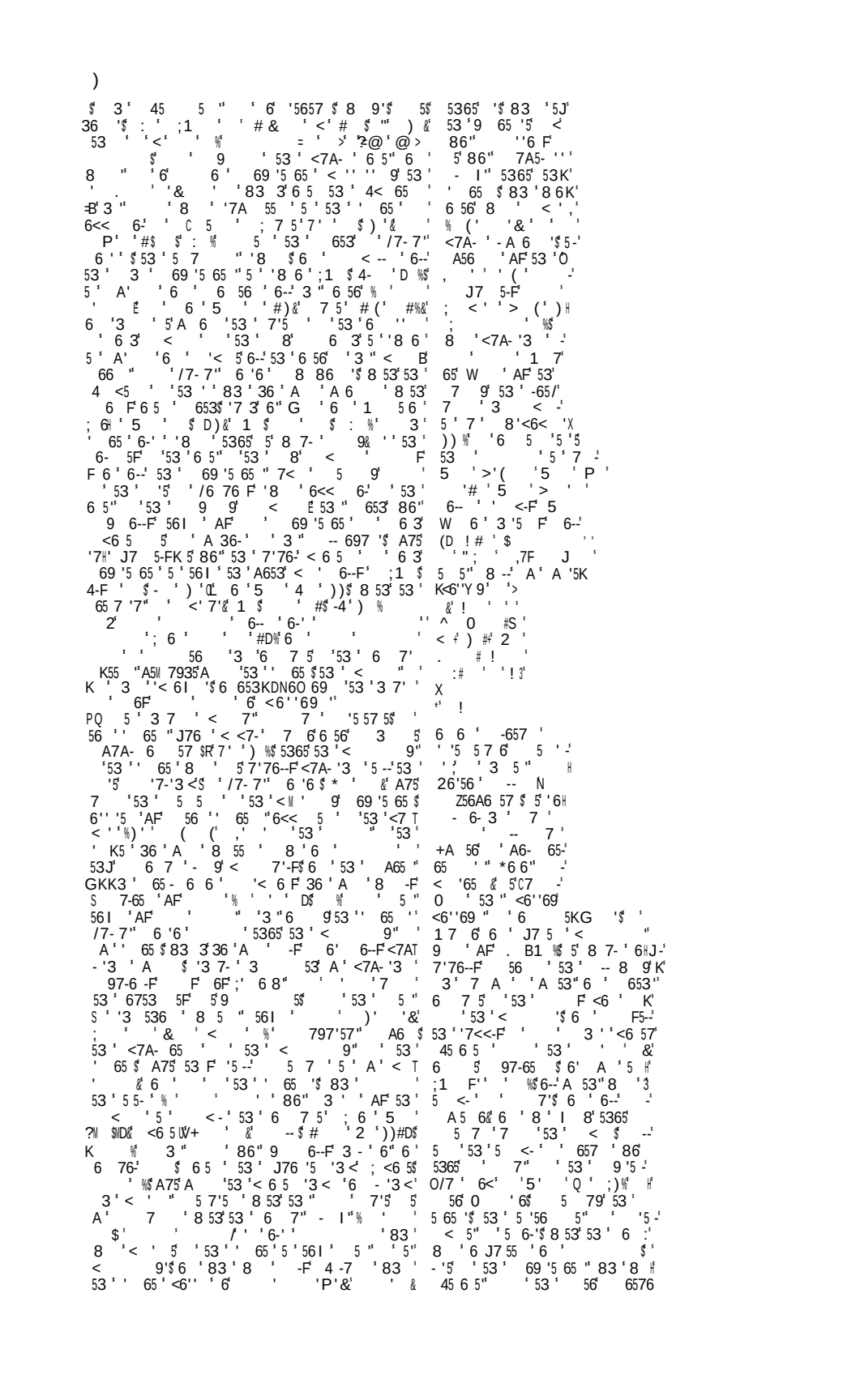

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lexander Severus, seven of the fourteen *curatores urbis*, whom he appointed, had to be present when the acta were drawn up (Lamprid. *Alex. Sev.* 33). The actual task of compiling them was committed to subordinate officers, called *actuarii* or *actarii*, who were assisted by various clerks, and by reporters (*notarii*), who took down in shorthand the proceedings in the courts, &c. After the acta had been drawn up, they were exposed for a time in some public place in the city *in albo*, where persons could read them and take copies of them. Many scribes, whom Cicero speaks of under the name of *operarii*, made it their business to copy them or make extracts from them for the use of the wealthy in Rome, and especially in the provinces, where they were eagerly sought after and extensively read (Cic. *ad Fam.* viii. 1, xiii. 8; Tac. *Ann.* xvi. 22). After the acta had been exposed in public for a certain time, they were deposited, like the Acta Senatus, in some of the record offices, or the public libraries.

The style of the acta, as appears from the passage in Petronius, was very simple and concise. They contained a bare enumeration of facts without any attempt at ornament.

Hübner has proved against Becker (*Handbuch*, i. pp. 30 and 32) that these acta were first published in the first consulship of Julius Caesar. Previous to this time it was common for a MS. chronicle of public events at Rome to be compiled by scribes, and forwarded along with private letters to friends at a distance (Cic. *ad Fam.* viii. 1, 2, 8, 11, ii. 8, xii. 22, xv. 6: cp. Hübner p. 39; Mommsen, *Hist.* iv. 606).

There is no evidence to support an opinion adopted by many modern writers, that the publication of the acta first commenced in B.C. 133, to supply the place of the Annales Maximi, which were discontinued in that year (Cic. *de Orat.* ii. 12), while on the contrary the great difference of their contents renders it improbable that such was the case. The Annales Maximi dealt with the affairs of the republic generally, especially wars, &c.; but the Acta Urbana, as their name implies, were restricted to the news of the city. The Acta Diurna are last mentioned by Vopiscus (*Prob.* c. 2), and probably continued in use to the downfall of the Western empire, or at least till the removal of the seat of government to Constantinople, but they were never published at the latter city.

4. ACTA FORENSIA. These were of two kinds. (1) The Romans were accustomed to keep their private accounts with so much accuracy that their books *accepti et expensi*, bonds (*chirographa*) and contracts (*syngrapha*) were admitted as legal evidence. Frequently witnesses (*pararii*, Sen. *de Ben.* ii. 23, § 2) were employed to establish their authenticity. At a later date notaries (*tabelliones*) who had offices (*stationes*) in the public streets drew up these documents, which were ratified by the signature (*subscriptio*) of the parties. A senatus consultum passed under Nero (Suet. *Ner.* 17; Quintil. xii. 8, 13; Paul. *Sent. Recept.* v. 25, 6) prescribed the legal form of such documents.

(2) *Acta judiciorum* contained the record of all proceedings of the magistrates, alike in contentious and in non-contentious business. The latter included such matters as adoptions, *cessio in jure*, manumissions, the appointment of guardians, and the like. Such magisterial functions could be discharged anywhere, even in the baths or in the streets (Instit. Just. i. 5, 2). Under the republic there is no evidence of the method of legal attestation in these cases; but under the empire it was customary for the parties to have a formal statement drawn up by a public official (*acta* or *gesta*), and confirmed by the magistrate (Instit. Just. i. 11, 2, and 12, 8). In the case of contentious business, so long as the *legis actiones* were in use [ACTIO], there was no need of a written record, for the *litis contestatio* was attested by witnesses. On the other hand, when *formulae* came into use, these were necessarily in writing, though the decision of the *judex* was given *viva voce*. There was a special form of action (*judicati actio*) against a defendant who denied the existence of a decision given against him. There is evidence of the existence of a record (*acta*, Frag. Vat. Jur. 112) under the empire. The *cognitiones extraordinariae* increased the importance of this. But the existence of a written decision was not compulsory before the Constitutions of Valentinian, Valens, and Gratian (c. 213, Cod. Just. *de sent. ex peric. recitandis*, vii. 44, &c.). From this date the *acta judiciorum* prepared by the officials of the courts (*officiales*) become extremely numerous (cf. Rudorff, *Röm. Rechtsgesch.* i. p. 299).

5. ACTA MILITARIA contained an account of the duties, numbers, and expenses of each legion (Veget. ii. 19), and of the amount of property possessed by each soldier (*peculium castrense*). They were probably preserved among the official papers of the several legions. The soldiers who drew up these acta are frequently mentioned in inscriptions and ancient writers under various titles, as *librarius legionis*, *actuarius* or *actarius legionis*, *tabularius castrensis* (cf. Renier, *Inscriptions romaines de l'Algérie*, 343, 551, 799).

(Lipsius, *Excursus ad Tac. Ann.* v. 4; Ernesti, *Excursus ad Suet. J. Caes.* 20; Schlosser, *Ueber die Quellen der spätern latein. Geschichtschreiber*,

besonders über Zeitungen, &c. in the *Archiv für Geschichte*, 1830, pp. 80–106; Protz, *De Fontibus, quos in conscribendis rebus inde a Tiberio usque ad mortem Neronis gestis auctores veteres secuti videantur*, Halle, 1840; Zell, *Ueber die Zeitungen der Alten*, Friburg, 1834; Le Clerc, *Des Journaux chez les Romains*, Paris, 1838; Lieberkühn, *De Diurnis Romanorum Actis*, Wiemar, 1840; and especially Hübner, *De senatus populique Romani actis*, Lips. 1860.) [A. S. W.]

ACTIA (Ἄκτια), a festival of Apollo Actius, celebrated at Nicopolis in Epirus, with wrestling, musical contests, horse-racing, and sea-fights. It was established by Augustus, in commemoration of his victory over Antony off Actium, and was probably the revival of an ancient festival; for there was a celebrated temple of Apollo at Actium, which is mentioned by Thucydides (i. 29) and Strabo (vii. p. 325), and which was enlarged by Augustus. The games instituted by Augustus were celebrated every four years (πεντετηρίς, *ludi quinquennales*) at Nicopolis, probably on Sept. 2, the anniversary of the battle of Actium; they received the title of a sacred Agon, and ranked next after the four great games of Greece. Some counted by *Actiads* instead of Olympiads. (Joseph. *B. Jud.* i. 20, 4; Strab. 7 c.; Dio Cass. li. 1; Suet. *Aug.* 18; Stat. *Silv.* ii. 2, 6; Böckh, *Corp. Inscr.* No. 1720, 1793; Krause, *Olympia*, p. 221.)

Actia were also celebrated at the same time at Rome by the orders of the senate. (Dio Cass. liii. 1, liv. 19; Mommsen, *Res gest. D. Aug.* p. 27.) They are frequently mentioned in inscriptions, and were also celebrated in other parts of the empire. (Friedländer, *Sittengesch.* ii. p. 304.) [W. S.] [A. S. W.]

ACTIO. An action or proceeding in the technical sense is the lawfully recognised mode of enforcing one's rights, and usually took place under the control of a magistrate and in forms prescribed by the law. Three principal systems of judicial procedure prevailed successively among the Romans, the first however continuing along with the second for certain classes of cases.

I. The first mode has to be collected principally from the fragments of the Twelve Tables and the mutilated account of Gaius, iv. 11 foll., whose statements however may not be perfectly accurate respecting the early times. The sources are so meagre that a good deal of assumption is necessary, and there is no part of the history of Roman law which has given rise to more discussion and to greater divergences of opinion. A plaintiff summons his opponent into court: if he does not go, the plaintiff calls a bystander to witness the summons and refusal, and then takes the defendant by force if he shirks or resists. If illness or age prevents his going, the plaintiff has to provide a beast to carry (or draw?) him, but is not obliged to furnish a cushioned car if he does not choose. ("Si in jus vocat, ito: ni it, antestamino: igitur em capito: si calvitur pedemve struit manum endo jacito. Si morbus aevitasve vitium escit qui in jus vocabit jumentum dato; si nolet arceram ne sternito." XII. Tab.; cf. Gell. xx. i. "Pedem struit" was explained by Serv. Sulpicius as meaning *fugit*: perhaps "fixes his foot" was the real meaning; cp. Fest. p. 313.) The *antestatio* was accompa-

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article—it was brought into court. If it was a flock of sheep, one sheep or a lock of wool was brought in; if it was land or a house or ship, a sod or brick or piece of the ship was brought in, and these were made the subjects of the formal acts just as if they were the whole of the property in dispute. Then the claimant, [illegible] sod (*festuca*), laid hold of the slave or other article claimed, and said, "Hunc ego hominem ex jure Quiritium meum esse aio secundum suam causam. Sicut dixi, ecce tibi vindictam imposui," and at the same time put his rod upon the slave, thereby giving physical expression to the claim contained in his words, "sicut dixi;" cf. Liv. viii. 9, § 8. (Some connect "sicut dixi" with "suam causam," and both are by some put with what precedes, by others with what follows.) "Ecce tibi" (See you there) is addressed to the defendant. The thing was claimed subject to special grounds or restrictions ("secundum suam causam:" cf. Dig. 13, 7, 18, § 2; 44, 2, 11, § 2, &c.). The rod represented a spear, which was the symbol of the most absolute right of ownership, that acquired by conquest in war. A similar claim (*vindicatio*), with like words and gestures, was made by the other party, and there was thus a symbolical strife (*manum consertum*) over the thing. The praetor bade them take their rods off; which being done, the first claimant demanded of his opponent on what ground he had made his claim; the other answered, "Jus feci sicut vindictam imposui." The former then replied by denying the rightfulness of the other's claim, and challenging him to a trial by the devotion (*sacramento*) of fifty pounds of copper (*aes*), or, if the property was worth 1000 pounds or more, by the devotion of 500 pounds. The other claimant then went through the like forms and made the same challenge. The praetor assigned the possession of the disputed thing itself (not its representative in court) to one of the parties, and ordered him to give security to

by a sacramental challenge. Different
tructions may be seen in Huschke's edit. of
, iv. § 5; Rudorff, *Röm. Rechtsgesch.* ii. § 21
(p. 78); Karlowa, *Civil-Prozess*, p. 110, &c.

The distinctions just referred to between actions *in rem* and *in personam* are of great importance. An action *in rem* is a suit to establish your right to a particular thing or animal, or to a share of a particular thing, or your right to use a road, or to take water, or enjoy uninterrupted light, or to establish a personal right, such as liberty. Such claims or suits are maintainable against all the world, though in practice they are brought only against those withholding the possession or enjoyment, or disputing the right. But an *actio in personam* is a right only against a certain person or persons who by some act or omission on their part have become bound (*obligatus*) to us. The obligation may have arisen from a contract, or from a tort (*delictum*), *i.e.* an injurious act for which they are bound to make reparation, or from some course of action or neglect which in the eye of the law is tantamount to a contract (*quasi ex contractu*), or tantamount to a tort (*quasi ex delicto*). By a real action (*actio in rem*) we claim *rem nostram esse* or *jus aliquod nobis competere;* by a personal action (*actio in personam*) we claim that some one *dare oportere.* If we sue for a field, we cannot say that the possessor *ought to give* it us, for we say it is ours (*i.e.* our property) already; if we sue for the repayment of a loan, we cannot say that the money is ours, for our money (*i.e.* our actual coins lent, cf. *Lex Rubr.* 21 n.) is spent, and what we claim is that a like amount be handed over to us, to become thereby our property. Real actions are called *vindicationes;* personal actions (at least of some kinds) were called *condictiones* in the wider sense of the term (Dig. 44, 7, 25, pr.).

The second *legis actio* named by Gaius is that *per judicis postulationem*, but his account of it is lost. It is reasonable to suppose that this was the proper proceeding when an inheritance was to be divided among co-heirs, or boundaries to be regulated between neighbours, or accounts to be taken between guardian and ward, or like matters required judicial administration (cf. Rudorff, *Röm. R. G.* ii. § 22). The ridicule of Cicero (*Mur.* 12), and the formula given by Valerius Probus, *te praetor judicem arbitrumve postulo uti des*, have led some to think that this proceeding was alternative to the *actio sacramenti*, and applicable whenever a party was in some uncertainty about the extent of his rights; and fearing the loss of his case, and consequently of his *sacramentum*, if he claimed too much, sought authoritative arbitration. An analogy for this view is found in proceedings for an injunction (Gai. iv. 163 foll.). Or again, in many cases, whether of personal or real actions, an assessment of damages for the breach of contract or for the tort, or for the value of the property rightfully claimed but not duly restored, would be necessary, and an arbiter *liti aestimandae* (so in Valer. Prob.) might be demanded. But nothing is really known. (Gaius' criticism of the *actio per condictionem* (iv. 20) has been wrongly taken to imply that the process *per judicis postulationem*, as well as the *sacramenti actio*, was applicable to claims for sums of money certain, or other certain things. But Gaius has chosen

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defendant (or plaintiff, Festus v. *rem*), was a good ground for adjournment (Cic. *Off.* i. 12; Gell. xx. 1, § 27).

Gellius (xx. 10) tells of a time when the praetor accompanied the parties to the place where the thing (*e.g.* a piece of land) was, and the formal claims at least were made on the spot. When the territory grew and the praetor became more occupied, the parties left the court and went to the place and brought a turf or piece of the disputed property into court. A still later stage is given us in Cicero's satirical attack on lawyers in the speech *pro Murena*, 12. After the claim is made to a field in the Sabine territory, the claimant proceeds, *Inde ibi ego te ex jure manum consertum voco*—"Thereupon (*inde*) I summon thee there (*ibi*, perhaps only an enclitic to *inde:* Karlowa, *C. P.* p. 79, note) to join hands in accordance with law." (So Huschke, *Z. R. G.* vii. 186; others generally take *ex jure*, "out of court.") The opponent retorts, *Unde tu me ex jure manum consertum vocasti, inde ibi ego te revoco*—"I in turn call you," &c. The praetor then says, *Suis utrique superstitibus praesentibus istam viam dico: ite viam*—"Each party having their witnesses present, I order you that way; go ye that way;" and immediately afterwards, "Come back that way." The proceedings had then become a mere formality, the parties not leaving the court; and probably any article serving as dummy for the distant property, or even for the clod, its original representative.

But this *sacramenti actio* was applicable, not only to suits in which claims to the ownership of property were urged, but also to claims upon particular persons, *e.g.* to repay loans, or to pay compensation for injuries done by them, &c. Gaius' account is mutilated, but the ritual was probably as like the other as circumstances allowed. In Valerius Probus (ed. Krüger, p. 144) we have probably some of the phrases preserved, beginning with *Aio te mihi dare oportere*, and fol-

to speak of the whole sphere of *quod dari* and this sphere comprises certain and un claims, some of which are enforceable by *sacramenti*, some *per judicis postulationem*, some by both.)

The third *legis actio* is *per condictionem*. Apparently the first stage of the formal proceedings before the praetor was dispensed with, and the action was commenced by notice (*condictio* = *denuntiatio*) by the plaintiff to the defendant to appear on the thirtieth day to have a judge assigned. (Many writers, however, on account of Gai. iv. 29, think unnecessarily that this notice and all proceedings took place in court.) This proceeding *per condictionem* was introduced by the Lex Silia for a claim to an amount of money certain, and extended by the Lex Calpurnia to a claim for any certain amount. Gaius (iv. 20) was ignorant of any good reason for introducing such special procedure. But besides the above-named shortening of the process, two other characteristics of the new procedure have been suggested with great probability, viz., (1) that either party might tender an oath to the other as to the truth of his contention, and thereby all further proof be saved; and (2) if this were not done, a wager to the amount of one-third of the sum in question should be entered into, and thus the risk to the wrongful party be increased. There can be no doubt that the *actio de pecunia certa credita* or *si certum petitur* is the continuation of the *legis actio per condictionem lege Silia* (cf. D. 12, 1, rubr. and 13, 3, 1). Then the position of the title *de jurejurando* in the Digest (D. 12, 2; cf. Paul. *Sent.* ii. 1) and certain passages of Plautus (*Rud.* 14 *sq.*; *Pers.* 478; *Curc.* 496) go far to prove the first characteristic; and the use of *legitimae* in Cic. *Rosc. Com.* 4, § 14, compared with ib. § 14; Gai. iv. 171, go far to prove the second (Rudorff on Puchta, *Curs.* § 162 f; Huschke, *Multa*, p. 501). The *condictio triticaria* (D. 13, 3) is clearly the continuation of the action created by the Lex Calpurnia. The name *condictio* was afterwards applied to other personal actions, excepting *bonae fidei* actions, civil actions arising from torts, and praetorian actions on the case (cf. Savigny, *Syst.* v. p. 503 *sqq.*; Bethmann-Hollweg, ii. p. 274).

Of the fourth *legis actio* (*per manus injectionem*) we have a fuller account in Gaius, iv. 21–25; Gell. xx. i. 42 foll.; and the recently discovered Lex Ursonensis, cap. 61 (Bruns, pt. i. 3, 9). It was the early form of execution of a judgment, and was sanctioned by the Twelve Tables. If a man admitted the debt, or if judgment was given against him, the plaintiff laid hold of him, stating in a recognised form the fact of the judgment or admission, and the amount thereby due. The defendant then had two courses only open to him, either to pay the amount, or to find a vindex who would take legal measures in his defence, and in fact assume entire responsibility in his stead. He was no longer allowed to defend himself. (The words of the Twelve Tables as to the sufficiency of the person coming forward as vindex would apply here also; according to some writers, here only.) If neither course was taken, he was assigned (*addicebatur*, Gell. *l. c.*) to the plaintiff, who led him off to the plaintiff's house (*secum ducito*), and bound him either in the stocks (*nervo*), or with shackles on his feet (*compedibus*), the weight of the shackles to be not

[redacted]

L. L. ii. 10, § 4), we may reasonably translate "they shall make a dividend," and may apply the words to the proceeds of the sale of the debtor's person and his property. Münderloh gives as the meaning of the clause *si plus*, &c., that whether the dividend each creditor got came to more or less than the amount of his debt, there was no further responsibility of the debtor to him or [redacted] to the debtor. In the case of a single creditor, the debtor would probably not be killed, but either be sold, or kept and made to work off his debt. At any rate the class of *addicti* are spoken of as numerous (Liv. vi. 27, 9, &c.). Neither Gaius nor the Lex Ursonensis mentions any further proceedings after the debtor was *vinctus* by his creditor, the old procedure having been long altered—as is generally supposed, by a law passed in A.U. 428, commonly called Lex Poetelia. Savigny considered the *manus injectio* and its consequences to have been originally confined to debts for money borrowed (*Verm. Schr.* ii. p. 206 foll.).

Gaius states (iv. 22) that the procedure *per manus injectionem* was made by a Lex Publilia applicable against any one who had not within six months reimbursed his surety (*sponsor*) for money expended on his behalf, and by many other laws in other cases. Thus a recently discovered inscription at Luceria (Bruns, pt. i. 3) forbids defilement of a grove under penalty of *manus injectio*. Other laws made the procedure applicable, but in a modified form, to further cases. The words *pro judicato* were omitted in the formal declaration, and the effect was that the debtor was then not disabled from making his own defence. The same relaxation was by a Lex Vallia introduced in all cases, except only the case of a judgment-debtor, or of one who had not repaid his surety. For them the harshness of the old law continued as long as this *legis actio* lasted.

It thus appears that *agere sacramento* was

The non-contentious procedure on the statute remained, and could be exercised not only before the praetor, but also before a consul (D. 1, 10), a proconsul (ib. 16, l. 1), a governor of a province (ib. 18, l. 10) and a juridicus (ib. 20). Adoption and emancipation were acts which could take place before those magistrates *apud quos legis actio fuit* (cf. D. 1, 7, l. 4; 16, l. 2; l. 3; Gell. v. 19, § 8), and hence are often regarded as themselves forms of non-contentious "proceeding on the statute."

In Cicero *lege agere* or *agi* is used in *Div. c. Caecil.* § 19, of proceeding under the *lex de provinciis repetundis*, but in general appears to refer to the suits under the statute of the Twelve Tables, *i.e.* to the *actio sacramenti* (*de Or.* i. 36, 167; *Verr.* i. 45, 115; ii. 16, 39; *Caecin.* 33, 97; *Mur.* 11, 25). So in Plautus (*Mil.* 453; *Aul.* 458; Ter. *Phorm.* 984). In Liv. xxvi. 15, *lege agito*, addressed to a lictor, is probably merely equivalent to "execute the law."

II. *Per formulas litigare.* The procedure on the statute was succeeded by a method more flexible, and better adapted to promote a judgment on the merits of a case. The change consisted in omitting the ancient ceremonial, and giving the praetor power to state the issue to be decided in a way which would enable the equitable claims of both parties to be duly regarded. The proceeding commenced as before by a summons given by the plaintiff to the defendant to appear in court, and non-appearance was visited by the praetor with a fine (D. 2, 5, 2, pr.). Future appearances after the first were secured by his being compelled to enter into a formal arrangement for this purpose. The defendant was said *vadimonium facere*, the plaintiff *vadari reum*. Such *vadimonium* was defined by the edict according to circumstances: either a simple promise (*purum vad.*), or a promise secured by bail (*vades*), or an oath, or a forfeit, the amount of the forfeit being usually fixed by oath of the plaintiff, but in case of a judgment debt, or of money actually paid out, it was the value of the matter in dispute (Gai. iv. 186). Persons of certain official dignity were exempt from liability to summons; so also parents and patrons, and any persons actually engaged in attending a funeral, or being married, or keeping close in their own house (D. 2, 4, s. 2; s. 4; s. 18; s. 19). On the parties appearing and stating the nature of their case the praetor appointed a judge or judges to determine the questions of fact, and gave him instructions which showed both the claim of the plaintiff, so far as it deserved legal recognition, and the duty of the judge if the facts were found to support or negative the claim. These instructions were comprised in a short formula, varied according to the equities and circumstances. The essential parts of it were two: the claim (*intentio*), and the judge's duty (*adjudicatio* or *condemnatio*). Frequently the matter in question required to be briefly stated: this was called *demonstratio*. Then came the claim. If the suit was one for partition of an inheritance or of any common property, or for defining the borders of neigbouring estates, the formula closed with a direction to the judge to adjudicate this or that thing or part to the claimant or to the defendant. In other cases it closed with a *condemnatio* or *absolutio*, i.e. with a direction to the judge, if certain things were found to be or not to be the fact, to

order the defendant to pay so much money as damages to the plaintiff, or to acquit the defendant of all liability. Occasionally, where a preliminary question has to be decided (*praejudicium*) this question might be stated simply by itself, e.g. *An A. Agerius libertus sit?* or *Quanta Marciae dos sit?* Gaius (iv. 44) considers in these cases the formula to consist of the *intentio* only. As an example of a simple formula, we may take this.

L. Titius judex esto.

Quod A. Agerius N. Negidio hominem vendidit, (*Demonstratio*)

Si paret N. Negidium A. Agerio sestertium x milia dare oportere, (*Intentio*)

L. Titi, N. Negidium A. Agerio sestertium x milia condemna: si non paret, absolve. (*Condemnatio.*)

As an example of a formula in a suit for partition may be taken this (which is partly hypothetical).

L. Titius judex esto.

Quod fundus Cornelianus A. Agerio et N. Numidio communis est, (*Demonstratio*)

Quantum ejus fundi A. Agerio adjudicari oportet,

Tantum Titius A. Agerio adjudicato: reliquum N. Numidio adjudicato. (*Adjudicatio.*) Gai. iv. 42.

A distinction of much importance in many respects is found in the issue raised by the claim (*intentio*). It may state a matter of fact, and then the formula is said to be *in factum concepta;* or it may state a question of law, *formula in jus concepta.* It is an issue merely of fact if, *e.g.*, the plaintiff asserts that the defendant has been duly cited and has not appeared in court, nor produced an adequate representative (*vindex*, Gai. iv. 46). An issue of law is raised if the plaintiff asserts, *e.g.*, that anything is his property, [illegible] something to be given to him; the first being a real action, the second a personal one, but both raising a question as to the legal right of the plaintiff. In the case of a deposit or a loan (*commodatum*), the formula might be shaped either way. If the complaint was merely of the refusal to restore a thing deposited with the defendant, or lent to him for use, the facts only of deposit (or loan) and non-restoration required to be proved to entitle the plaintiff to judgment in his favour. The formula then, in the case of a deposit, runs thus (Gai. iv. 47):

L. Titius judex esto. Si paret A. Agerium apud N. Negidium mensam argenteam deposuisse, eamque dolo malo N. Negidii A. Agerio redditam non esse, quanti ea res erit, tantam pecuniam judex N. Negidium A. Agerio condemnato: si non paret, absolvito.

It is true that the second fact thus stated is not quite a simple one, for an article returned in a damaged condition was deemed to be not returned, and *dolo malo* 'maliciously' is a qualification which both restricts and amplifies the conception of non-restoration. Still the question is one which, as we should say, is a question for the jury. Has the defendant restored, or honestly done his best to restore, the article deposited?

The *formula in jus concepta* has a wider range of considerations:—

L. Titius judex esto. Quod A. Agerius apud N. Negidium mensam argenteam deposuit, qua de re agitur, quidquid ob eam rem N. Negidium A. Agerio dare facere oportet ex fide bona, ejus judex N. Negidium A. Agerio condemnato; si non paret, absolvito. (We have omitted the words *nisi resti-*

[illegible] "so[illegible] act t[illegible] again[illegible] paid. [illegible] mated [illegible] it is for [illegible] amount [illegible] as the da[illegible] and indefi[illegible] sometimes [illegible] *sestertium x* [illegible] judgment [illegible] exceeding t[illegible] nor varying [illegible] named, nor [illegible] the amount i[illegible] the first two ca[illegible] make the suit his [illegible] 52; D. 4, 13, 6), i.e. he is responsible to the injured party for his malfeasance. In actions for a thing (*in rem*) or for the production of a thing (*ad exhibendum*) and in many *bonae fidei actions*, the judge might, and naturally often would, direct the restitution or production of the thing, or proper security for future action, and only in case this was refused condemn the defendant in damages, or at any rate in damages to the amount otherwise proper. If a defendant maliciously or obstinately (*dolo malo aut contumacia*) refused compliance or put it out of his own power to comply, the judge had an additional weapon. He could, instead of assessing the damages himself, allow the plaintiff to assess them himself on oath (*in litem jurare*), and the assessment so sworn would as a rule be entered as judgment against the defendant (D. 8, 5, 7) unless indeed the judge, on proof being given, thought the amount excessive (D. 12, 3, 2; 4, §§ 2, 3; s. 5). It does not appear that the judge ever forcibly executed his own order for restoration, as long as the formulary process was in use. The passage (D. 6, 1, 68) quoted from Ulpian, which speaks of forcible restorations, *manu militari officio judicis ab eo possessio transfertur*, is generally considered to contain words interpolated by the compilers of the Digest. (Cf. Savigny, *Syst.* v. 123; Wachter, *Pand.* i. 565.) Those actions in which the judge had the power to direct specific performance, and only in case this was refused to condemn in damages, were sometimes called *arbitrariae* (Just. *Inst.* 4, 31; Dig. 4, 2, 14, § 4, &c.). The formula would contain the words *nisi restituat* or the like (cf. Cic. *Verr.* ii. 12, 31; Dig. *l. c.* § 11).

An error in the formula might have disastrous effect. If indeed the error was in the statement of circumstances (*demonstratio*), so as to make the statement really false, the matter which was really meant being thereby not brought forward, the proceeding was nugatory. The plaintiff was

not however precluded from bringing on the case again with an amended formula (Gai. iv. 58). An error in the allegation (*intentio*) was similar if the error consisted in claiming a different thing altogether from what the plaintiff was justified in claiming, as for instance if he claimed a slave Stichus instead of the slave Eros, or based his claim on a will instead of on a formal verbal contract. But if the allegation contained the right subject-matter, but the claim was excessive (*plus* or *pluris petitio*), the plaintiff must fail (*causa cadit*). It might be excessive from claiming either too large a sum, or payment in the wrong place, or before the due time, or by restricting the choice of payment which the defendant was entitled to. If the plaintiff's claim was specific, but less than he was entitled to, he was not thereby hindered from gaining so much as his allegation covered, but he could not, within the same praetor's term of office, claim the residue. Both these could obviously only occur where the allegation of claim was specific in quantity. If the terms were general (e.g. *quidquid dare facere oportet*), no excessive or defective claim was possible (Gai. iv. 53–56).

The formula in *bonae fidei* suits was always general in terms, and it was the duty of the judge, though not expressed in the formula, to take account of any counter-claim and allow one to be set off against the other. The judgment was then only for the balance. In a banker's account with a customer all present debits and credits are taken as *ipso facto* neutralising one another; and therefore the banker cannot sue his debtor for all he has debited him, but only for the balance in account. The allegation in the formula is of this kind: *si paret Titium argentario x milia dare oportere amplius quam ipse Titio debet* (Gai. iv. 64–68).

If the damages are put at an excessive amount, the defendant can claim annulment of the formula (*restitutio in integrum*), and the case must be brought anew. If the damages are put at too little, the plaintiff cannot recover more, nor can he bring another suit for the remainder. (Gai. iv. 57.)

In some cases, where a similar danger might await the plaintiff, it was possible to obviate it by prefixing to the formula a limitation (*praescriptio*) of the matter to be put in issue. If a man entitled to an annuity brought an action to enforce payment of the sum actually due, he had to prefix the words *ea res agatur cujus rei dies fuit*, i.e. "that only is to be in suit of which the due time has already come." Then the claims to the future payments remained unaffected, not having been brought into issue in this suit (cf. Cic. *Orat.* i. 37, § 168). So if a man sued for conveyance of an estate bought, unless he specified that he sued only for the formal conveyance (*ea res agatur de fundo mancipando*), he might be held to have no further right to sue for actual delivery of the thing (Gai. iv. 130–132). Gaius says that at one time similar *praescriptiones* were prefixed in the interest of the defendant to prevent a minor issue being held to conclude a greater one, but in Gaius' day such limitations took the form of special pleas (*exceptiones*, ib. § 133).

A general denial by the defendant was outside of the formula; but any special plea which he might urge, if such as the praetor recognised to be good in itself, was by him inserted in the *intentio* of the formula in the shape of an exception or negative condition. That is to say, the allegation of the plaintiff was qualified in the formula so that it should hold good, only if the plea of the defendant was found to be untrue, or at any rate if the plea was not proved. Many such special pleas were set forth by the praetor in his edict; others were framed by the praetor to fit the particular circumstances which disclosed an equity on the side of the defendant. Pleas regularly in use are such as fraud, agreement, intimidation, &c. (D. 44, 4; 2, 14). For instance, if I sue a man on a stipulation which was entered into as a security for money lent him, and I have never paid him the money, the stipulation is still valid in strict law, but the praetor allows him to plead fraud on my part, and my claim is defeated. So an agreement not to sue for a debt does not nullify the obligation, for the regular maxim is *obligatio pacto convento non tollitur*; but the agreement may be pleaded (*pacti conventi exceptio*), and the suit is thus blocked. So intimidation or compulsion may be pleaded against any attempt to enforce an obligation entered into under them. The plea of fraud would take the form *si in ea re nihil dolo malo A. Agerii factum sit neque fiat*; that of agreement not to sue would be *si inter A. Agerium et N. Negidium non convenit ne ea pecunia peteretur*, and the claim of the plaintiff would succeed, only if these propositions (*i.e.* the absence of fraud or the absence of an agreement not to sue) were proved. Otherwise the judge would acquit the defendant (Gai. iv. 115–119).

A plea might be absolute (*peremptoria*), or dilatory (*dilatoria*). Absolute pleas are valid without limitation, such as fraud, intimidation, contravention of a statute, previous decision of the same matter, agreement not to sue at all. Dilatory pleas are good only for a time or against certain persons, &c., such as agreement not to sue within five years. In this case if, on the plea being brought forward, I withdraw from the suit, I can bring it again after the period of five years has expired; but if I persist, the matter is then brought to trial, and the plea being proved defeats my suit. If I then on the expiration of the period bring the suit again, I may be met by a fresh plea (*exceptio rei in judicium deductae*) that the matter has been already decided, and my suit is thus again defeated. Another dilatory plea is *litis dividuae*, which is good against my suing for the rest of a sum of money of which I have already sued for part. The plea is good against the further suit within the same praetorship; after that I am free. (But for the later law see Just. *Inst.* iv. 6, § 34.) Again, I may have appointed an attorney (*cognitor*) to sue for me; my suit may be defeated by a dilatory plea if I persist in suing, though I was not authorised to appoint an attorney at all (disgraced persons, *infames*, and women are in this plight, D. 3, 1, 5, § 5), or not authorised to appoint the persons whom I have appointed (some persons being not allowed to act as attorneys). Gai. iv. 120–125.

The plea may admit of a replication (*replicatio*) on the part of the plaintiff: *e.g.* an agreement not to sue may be followed by another agreement allowing me to sue. Then the plea *si non convenerit ne eam pecuniam peterem* would be met by the replication *si non postea convenit*

ut mihi eam pecuniam petere liceret, and both would be inserted in the formula. The defendant may however have a rejoinder (*duplicatio*), and to this the plaintiff may have a surrejoinder (*triplicatio*), and so on. (Gai. iv. 126–129.)

A still further extension of the formulae was due to the praetor's bold recognition of equities requiring protection. A person whom the praetor had recognised as equitably entitled to a deceased's estate obtained the *bonorum possessio*, *i.e.* the *de facto* rights of an heir, but was not the heir *de jure* (Gai. iii. 32). He could not in strict law claim any of the property as *his*, nor could he enforce payment of a debt due to the estate as due to him. The difficulty was got over by a *fiction*. The formula was made to apply to him, on condition that it would have applied if he had been heir. And this was stated in the formula: *L. Seius judex esto. Si A. Agerius L. Titio heres esset* (*fictio*), *tum si eum fundum de quo agitur ex jure Quiritium ejus esse oporteret* (*intentio*), *L. Sei, N. Negidium, A. Agerio x milia condemna; si non oporteret* (or *paret oportere?*) *absolve* (*condemnatio*).

A similar fiction was made in favour of the *bonorum emptor*, i.e. the person who bought the insolvent estate of a deceased. But here another frame, invented by P. Rutilius, was sometimes given to the formula, the object being achieved by allowing the *intentio* still to run in the name of the heir, but inserting in the condemnatory clause the name of the purchaser of the inheritance (as plaintiff), instead of that of the heir. Still more boldly, if a foreigner sued or was sued for theft or for injury under Aquilius' statute, it was feigned that he was a Roman citizen: e.g. *si paret a Dione Hermaei filio furtum factum esse paterae aureae, quamobrem eum si civis Romanus esset pro fure damnum decidere oporteret*, &c. (Gai. iv. 34–38). In the Lex Rubria, cap. 20 (*Corp. I. L.* i. 115; Bruns, p. 91, ed. 4), prescribing analogous jurisdiction in the province to that which prevailed at Rome, we have an instance of a formula to be used in the case of a person who ought to have given security against possible damage to another from his buildings, but had not done so before the damage occurred. *Judex esto. Sei, antequam id judicium qua de re agitur factum est, Q. Licinius damnei infectei, eo nomine qua de re agitur, eam stipulationem, quam is quei Romae inter peregreinos jus deicet in albo propositam habet, L. Seio repromeisisset, tum quicquid eum Q. Licinium ex ea stipulatione L. Seio dare facere oporteret ex fide bona, dumtaxat H. S. . . . ejus judex Q. Licinium L. Seio, sei ex decreto IIvirei IIIIvirei praefecteive Mutinensis, quod ejus is IIvir IIIIvir praefectusve ex lege Rubria seive id plebeiscitum est decreverit, Q. Licinius eo nomine qua de re agitur L. Seio damnei infectei repromittere noluit, condemnato; sei non paret, absolvito.* "If before the present trial Q. Licinius had given L. Seius a guaranty against possible damage on account of the matter in question, the guaranty being couched in the standing form approved by the praetor at Rome who presides over cases between aliens (*fiction*), then whatsoever Q. Licinius ought to pay or do to L. Seius in accordance with the said guaranty, all equities being duly considered, and the amount not exceeding . . . sesterces (part of the *intentio*), so much shall the judge direct Q. Licinius to pay or do to L. Seius (*condemnatio*), if Q. Licinius has refused to give L. Seius a guaranty against possible damage on account of the matter in question, in compliance with a decree of the duumvir or quattuorvir or praefect of Mutina, so far as said decree is made in accordance with the statute, or Commons' resolution, proposed by Rubrius" (part of the *intentio*); "if this is not the case, acquit him."

The proceedings before the judge are explained under JUDICIUM.

Actions were brought or defended either by the parties in person or by attorneys. In the ante-Justinian Law an attorney was either a cognitor or procurator. A cognitor was an attorney appointed in set words by the party in person in presence of his opponent. Such words might be for the plaintiff: *Quod ego tecum agere volo, in eam rem L. Titium cognitorem do*; for the defendant: *Quia tu mecum agere vis, in eam rem P. Maevium cognitorem do.* Strict precision in the words, at any rate in Ulpian's time, was not necessary (Gai. iv. 83; *Vat. Fr.* 318, 319). If the person so apppointed was absent, he did not become attorney until he undertook the business. A procurator might be appointed by simple mandate or even by his practically undertaking the business, and neither the presence nor knowledge of the adversary was necessary to his appointment. When persons were represented by others, the formula contained the name of the representative instead of the principal in the clause of condemnation, but not in that of allegation (*intentio*).

Persons under the age of 17 years, and deaf persons, were not allowed to plead their own cause. If they had no advocate of their own, the praetor gave them one (D. 3, 1, 1, § 4). Some persons were disqualified from acting as attorneys for others. Such were soldiers (D. 3, 1, 8, § 2), women, blind persons, and those who had been convicted of a capital offence or of dishonesty in suing or defending a suit (*calumnia*), or of hiring oneself out to fight beasts in the arena. Further, all persons who were *infames*, "disgraced," were disqualified from acting for any others except for near relations, either by blood or marriage, or for a patron or patron's child. Under this head of *infames* came stage-players; persons who had had judgment against them or made a compromise in suits implying disgraceful conduct; persons dismissed ignominiously from the army; panders and persons who had married, or as fathers had consented to the marriage of, a widow before the expiration of the statutable period of mourning (which before 350 A.D. was ten months, afterwards a year: *Cod.* v. 9, l. 2). Bankrupts were apparently in ante-Justinian times disqualified. (See under INFAMIA.) Persons under guardianship were represented in suits by their guardians (*tutores et curatores*), and a disqualification for acting for others was waived in case of a guardian (Gai. iv. 92; D. 3, 1, 1, § 6), as it was in some few other cases (D. *ibid.* s. 6; s. 10).

A plaintiff suing in his own person or by a cognitor was not required in any case to give security. But a plaintiff's procurator or guardian had to give security that his principal would ratify his acts (*ratam rem dominum habiturum*), otherwise the defendant might be exposed to a fresh suit by the principal, whereas a cognitor's acts bound his principal as much as his own acts would. A defendant was in a dif-

ferent position. If the action was *in rem*, whether he appeared himself or by others, the plaintiff was entitled to receive security for due restitution of the disputed property or its equivalent. If the action was *in personam*, and the defendant was represented by a cognitor, the defendant had to give security; if by a procurator or guardian, the representative had to give security for the due performance of the judgment (*judicatum solvi*). If he appeared in person, he might in special circumstances be required to give security, either on account of the nature of the action, as for instance an action on a judgment or for money paid out by a surety (*depensi*); or the old action *de moribus mulieris* (cf. Just. *Cod.* 5, 17, 11, § 2); or on account of his own character—if for instance he was insolvent or was an heir suspected by the praetor to have insufficient means (Gai. iv. 88–102; D. 42, 5, 31).

Checks were provided in several ways against heedless litigation. The plaintiff was exposed to four risks. (1) To an action for *calumnia*, in which he was condemned if he was shown to have consciously brought an unjust claim. The penalty was a tenth (of the claim?), excepting in a suit to prove a man free, in which case the penalty was a third (of the value of the slave?). (2) To a counter trial (*contrarium judicium*). This was allowed in a few cases only, viz. in an action for *injuriae*, the penalty being one tenth part, and in two other special actions, the penalty being one fifth part. The plaintiff in the former action, now defendant, was condemned if he had not succeeded in the action impugned. (3) In some actions a wager (*sponsio*) and counter-wager (*restipulatio*) used to be made for a third part in an action for a specific sum of money lent, and for a half in an action for an agreed debt (*pecunia constituta*), and this was dependent simply on success or failure in the action. (4) Moreover the defendant might put the plaintiff on his oath as to his honesty in bringing the suit. If the oath was executed, the plaintiff was no longer liable to the other risks; and generally a defendant might bring one only of the actions named (Gai. iv. 174–181).

The defendant was similarly exposed to risk if he allowed the action to proceed. (1) In the case of actions on a judgment or on money paid out (*depensi*), or injury under Aquilius' statute, or legacies (*per damnationem*), if the defendant denied and judgment went against him, the damages were doubled. (2) In the cases of loan certain and of an agreed debt a wager was made, and the defendant had to pay if he lost the suit. (3) An oath might be tendered him on the honesty of his denial (Gai. iv. 171–173). (4) Further, any one condemned in certain actions become disgraced (*ignominiosus*). These actions were theft, robbery with violence, insult (*injuriae*), actions of partnership, trust, guardianship, commission, deposit. And in the case of the first three ignominy was incurred by making a compromise as well as by condemnation (Gai. 182). *Ignominia* in Gaius appears to be ntical with *infamia* in the Praetor's Edict 3, 2, 1).

Many distinctions and divisions of actions are e. Some of the most important are the following.

ctio civilis and *actio honoraria*. The former n action given by the civil law, the latter one created by the praetor. All actions belong to one or other of these classes (D. 44, 7, 25, § 2). As examples may be taken the ordinary actions *in rem*, as opposed to the *Publiciana actio*, which the praetor gave to protect one who, without formally valid conveyance, had had delivery on good ground from the owner, but had not yet held a thing long enough for usucapion to have taken effect (D. 6, 2, 1). So an action for a sum of money if founded on a formal verbal contract (*stipulatio*) is *civilis*; if on informal agreement (e.g. *pecunia constituta*) is *honoraria*. The distinction was important, not merely historically but in practice, because as a rule honorary actions could be brought only within the period of the praetor's office, *i.e.* only within one year. Civil actions were not so limited; nor indeed were those honorary actions (*e.g.* actions on contract) which aimed at recovering one's property or what is due to one, rather than inflicting damage on another. These latter actions might be brought also against the heir of the person bound; others only so far as the heir was enriched by his predecessor's wrong act (D. 44, 7, 35).

Actio directa and *actio contraria*. Some relations are essentially two-sided, and an action to enforce the rights of the one party is as likely to be required as an action to enforce the rights of the other. Such for instance are the actions *ex empto* and *ex vendito*, the purchaser suing for the delivery of the thing purchased, the seller for the purchase money. But in other cases an action is more inherently likely on one side than on the other, but yet the relations may beget occasion for an action in the reverse direction. Thus for instance an *actio commodati* or *depositi* is usually *directa*, i.e. to enforce the rights of the person who has deposited or lent a thing; but circumstances may make the recall of the thing lent unfair to the borrower, and then he has an *actio commodati contraria* (D. 13, 6, 17); or the receiver may have had to incur expenses for the protection or other care of the deposit, and he has then an *actio depositi contraria* (D. 16, 3, 5, pr. See also Cic. *Off.* iii. 17, 30). This use of *in factum* must be carefully distinguished from *actio in factum concepta*.

Actio directa and *actio utilis*. The term *directa*, besides being opposed to *contraria*, is also opposed to *utilis*. Here the great sphere of the praetor's action is seen. The precise action granted by the civil law was not applicable to numerous cases which came within its spirit but not within its letter. The praetor allowed an action which was not the same in theory, but analogous to it, and this was called a *serviceable* action, or not infrequently an "action on the case" (*actio in factum*). The Aquillian statute was noticeably extended in this way by the praetor. A person who did not actually with his own person kill a slave did not come strictly within the statute; but if he pushed the horse or mare so that they killed the slave, an *actio in factum* was granted (D. 9, 2, 7, § 3). A usufructuary was not properly an owner: this statute gave the action to the owner; but the praetor extended it to the usufructuary, and he therefore had an *actio utilis* (D. 9, 2, 11, § 10). The incidents of such an action were of course conformable to those of the prototype, the actual case being by a fiction (see above) treated as identical in its

claim to remedy with the statutable or original action. The name of the prototype was often used with *quasi* prefixed for that of the analogous action, e.g. *quasi Serviana* (D. 16, 1, 13).

Actio stricti juris and *actio bonae fidei*. The stern simplicity of the old law, which would hear of nothing but definite obligations created by precise words, had to give way before the complicated circumstances and countervailing equities of the business of the world. The *actio ex stipulato* was the type of the former; commercial intercourse gave rise to many instances of the latter. Gaius enumerates the latter as sale and purchase, letting and hiring, unasked agency (*negotiorum gestorum*), commission, deposit, trust (*fiduciae*, i.e. mortgage), partnership, guardianship (and here the passage is mutilated, but we may probably add) wife's property, loan, pledge, division of inheritance, partition, actions on the case (Gai. iv. 62; Just. *Inst.* iv. 6, § 28). In all these the judge was instructed to examine and estimate the rights of the parties in the matter so far as they were founded on good faith (Cic. *Off.* iii. 17, 30). And of course therefore any debt due from the plaintiff to the defendant might be set off against anything due to the plaintiff on his claim. Justinian in some degree broke down the distinction between those two classes of actions (*Inst.* iv. 6, §§ 29, 30).

The word *actio* itself is in some passages opposed to *petitio* and *persecutio*, as for instance by Papinian (D. 44, 7, 28) *actio in personam infertur; petitio in rem; persecutio in rem vel in personam rei persequendae gratia:* and Ulpian (D. 5, 16, 178) refers *persecutio* to extraordinary proceedings, such as those for enforcing a trust (*fidei commissum*). But this must be regarded as only applicable to some particular uses; *e.g.* in the Aquillian stipulation (D. 46, 4, 18) and other places where the words are obviously to be distinguished from each other. Otherwise *actio* is general, and even includes interdicts (D. 44, 7, 37). *Judicium* is often found as equivalent to it, but there appears to have been an inclination to use the latter word in preference in cases where both parties might be regarded as indiscriminately plaintiff and defendant. Such are the *judicia finium regundorum* (D. 10, 1), *familiae erciscundae* (ib. 2), *communi dividundo* (ib. 3).

Poenalis actio was one where neither the recovery of a thing nor of damages proper (both of which were said to be *rei persequendae causa*) was the object, but the pecuniary penalty affixed by the law to certain acts (*poenae persequendae causa*). Such was the *actio furti* and the *actio injuriarum* (Gai. iv. 7). In other actions, such as those in which denial exposed the defendant to the risk of double damages (see above), both damages and penalty were the object of the action (Gai. iv. 9). A penal action did not lie against the heir, unless it had been commenced in the life of his predecessor (D. 44, 7, 26; s. 33).

The same fact often gave opportunity for several actions; sometimes the plaintiff had to choose between them, sometimes he might bring one, and then if his claim was not satisfied by that bring another action of a different class for the residue (D. 44, 7, 34; s. 31).

The plaintiff is usually called actor or is *qui agit*, sometimes *agens* or (especially in actions *in rem*) *petitor*. The defendant is *reus*, or is *unde petitur*, or *cum quo agitur*, or *qui convenitur*, or (in actions *in rem*) possessor. The plaintiff is said *agere, petere*, or *actionem, intendere, experiri, convenire;* the defendant *convenire, suscipere, actionem* or *judicium*, &c.

III. Beside this formulary procedure, in which the praetor gave instructions to a judge or judges, and this judge actually tried the issue so directed, there were other matters which the praetor himself heard and decided (*causa cognita decrevit*). From this hearing by the praetor himself, these trials were called *cognitiones*. These were partly of an executive character, such as issuing injunctions (*interdicta*) to stop apprehended wrong, or conferring security, or putting a party into possession of disputed property. But there were other matters which, on account of the delicacy of their character, were not passed through the usual forms. Of these the most important were trusts (*fidei commissa*), which, being regarded at first not as legal obligations, but as matters of honour and propriety, were not subjects for ordinary procedure, but required the special cognizance of a high officer of state (Gai. ii. 278; Ulp. xxv. 12). Similarly claims for alimony by parents against children or the reverse (D. 25, 3, 5); questions of the proper remuneration of physicians, teachers, advocates, &c. (D. 5, 13, 1), and some other matters (*e.g.* Gai. i. 53) were also placed outside the rank of ordinary suits (*extra ordinem*). In the course of time, after the period of the classical jurists, this system became universal. The various officials of the empire heard and decided all suits themselves, and the distinction of *praetor* and *judex*, *jus* and *judicium*, ceased, the general principles of decision remaining the same. Exactly how and when this change in the form was brought about we do not know. A law of Diocletian A.D. 297 (*Cod.* iii. 3, 2), which directed governors of provinces (*praesides*) to decide cases themselves, so far as their public duties allowed them, instead of appointing *pedaneos judices*, is regarded by most writers as the origin of the change, and Constantius (A.D. 342) abolished the formulae (*Cod.* ii. 57 (58), 1). Justinian says, "all trials are now *extra ordinem*" (*Inst.* iv. 15, 8; iii. 12, pr.). But the power of delegating their jurisdiction, at least in less important cases, was still reserved to the governors (*Cod.* iii. 3).

In the extraordinary trials by the praetor the defendant was summoned (*evocatus*), not by the plaintiff but by the praetor by notice (*denuntiatio*), either conveyed to him or affixed to the praetor's notice-board (cf. D. 42, 1, 53, § 1). The notice was repeated three times, and, if the defendant did not appear, the case was proceeded with in his absence (Paul. *Sent.* v. 52, § 7). In Justinian's time suits were begun generally by a written bill of complaint (*libellus*) delivered to the judge, and by him communicated to the defendant.

The checks against reckless litigation were simplified by Justinian, and these consisted (1) in an oath taken by each party of his *bona fides*, action, and (2) in the costs of the suit being thrown on the loser (*Cod.* iii. 1, 13, § 6), probably if he had no reasonable case (cf. iv. 16, § 1, *improbus litigator*, D. 5, 1, 31, 78, § 2).

For further details respecting the constitution of the courts and proceedings at trial see JUDICIUM; for criminal procedure

CRIMEN. The principal actions will be dealt with under their respective names.

The best treatises on the subject are Keller's *Civil-Prozess* (5th ed. edited by A. Wach, 1876), which gives references to the other writers; and the elaborate work of Bethmann-Hollweg, *Die römische Civil-Prozess*, 1865, foll. [H. J. R.]

ACTOR generally means a plaintiff in a civil action, but is sometimes used for a prosecutor in a public or criminal trial. The plaintiff in a civil action is also called *petitor*, and one who prosecutes another for a crime *accusator* (Cic. *ad Att.* i. 16; Dig. 48, tit. 2). The defendant was called *reus*, both in private and public causes; *reus*, however, in a general sense, meant a party to an action or other legal proceeding, and so is used by Cicero for the plaintiff as well as the defendant (*De Orat.* ii. 43). In a private action the defendant was often called *adversarius* but either party might be called *adversarius* in opposition to the other. As free persons who were under *potestas* had no independent property, they could not, as a rule, be plaintiffs in an action, but certain actions could be maintained by *filii*, as well as *patres familias* (Dig. 9, 44, 7). In respect to *peculium castrense* and *quasi-castrense* a *filius familias* was in the position of an independent person. Actions on behalf of wards (*pupilli*) who were below the age of seven were brought by their guardian (*tutor*); actions on behalf of wards above the age of seven were either brought by their guardian, or, as was more commonly the case, the action was brought in the name of the ward with the sanction (*auctoritas*) of the guardian. *Peregrini* or aliens could not maintain an action under the early form of procedure called *legis actio*; in later procedure, partly by means of feigned assumptions of citizenship (Gaius, iv. 37), they became capable of suing and being sued. Persons who appeared in actions as representatives of the parties directly concerned were called *cognitores* or procurators [ACTIO]. A universitas or corporate body was represented for the purposes of procedure by an agent, who was called *actor* or *syndicus* (Dig. 3, tit. 4).

Actor has also the sense of an agent or manager of another's business generally; so a slave who was given the management of an estate, and put over other slaves, is termed *actor*. (Plin. *Ep.* iii. 19, § 2; Paul. *Sent.* iii. 6, 47, 48.)

The *actor publicus* was the officer who had the superintendence or care of slaves belonging to the state; he was himself a slave or freedman. In the case mentioned by Pliny (*Ep.* vii. 18, § 2) the *actor publicus* was the representative of the community (*respublica*) of Comum (Tac. *Ann.* ii. 30; iii. 67).

The *actor rerum privatarum nostrarum* was the manager of the emperor's private estate (Cod. Just. iii. 26, 9). [G. L.] [E. A. W.]

ACTOR in the theatre. [HISTRIO.]

ACTUA'RIAE NAVES. [NAVIS.]

ACTUA'RII, or ACTA'RII, clerks who compiled the Acta Publica. [ACTA.] The name is also sometimes given to the *Notarii*, or shorthand writers, who took down the speeches in the senate and the courts (Suet. *Jul.* 55; Sen. *Ep.* 33, 9); respecting whom and the use of short-hand among the Romans, see NOTARII.

2. A clerk who kept the accounts of a private person (Petron. 53).

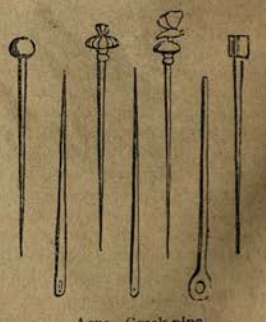
3. Military officers whose duty it was to keep the accounts of the army, to see that the contractors supplied the soldiers with provisions according to agreement, &c. (Aurel. Vict. *Caes.* 33, 13; Amm. Marc. xx. 5; Cod. Just. xii. tit. 38, s. 5, 16; xii. tit. 50.)

4. The title of certain physicians at the court of Constantinople. [MEDICUS.] [W. S.]

ACTUS, a Roman measure of land, which formed the basis of the whole system of land measurement. The word *actus* sometimes denotes a way between fields, along which cattle could be driven (Dig. 8, 1, 5; 5, 4, &c.). Varro (*L. L.* v. 34, Müller) asserts that the name of the measure was derived from this, but couples this remark with an absurd derivation of *ager*: *ut ager quo agi poterat, sic qua agi actus.* According to Varro, Columella (v. 1, 5, on the authority of Varro) and Festus, *s. v.*, the *actus simplex* or *minimus* was 120 (Roman) feet long and 4 feet wide. The *actus quadratus*, or simply *actus*, was a square of 120 feet each way, containing thus 14,400 square feet. Pliny (xviii. § 9) says of it: *actus in quo boves agerentur cum aratro uno impetu justo* (i.e. without turning); *hic erat cxx pedum.* Mommsen (*Hist.* i. 215) explains *actus*, "the driving," to be properly a measure of labour, denoting the half-day's work, with reference to the marked division of the day in Italy by the noon-tide siesta. The *jugerum*, or "yoking," the double of the *actus*, would thus denote the day's work. This is far more probable than the earlier explanations. The *actus* furnishes an example of the combination of the duodecimal with the decimal system, its length being twelve times the standard DECEMPEDA. Columella (*l. c.* § 6) says that the Gauls called the *actus quadratus*, *arepennis*; but this could only be an approximate identification, for the *actus quadratus* is somewhat smaller than the great French *arpent* and much larger than the small *arpent*. (Compare ACNA; *Niebuhr, Hist. of Rome*, vol. ii. Appendix I.) [A. S. W.]

ACTUS. [SERVITUTES.]

ACUS. I. GREEK—(*βελόνη, βελονίς, ῥαφίς, ἀκέστρα*), a pin or needle, made sometimes of metal, sometimes of wood, bone, or ivory. They varied greatly in size, according to the purposes for which they were employed; and those used in dressing the hair or fastening the robe were



Acus—Greek pins.

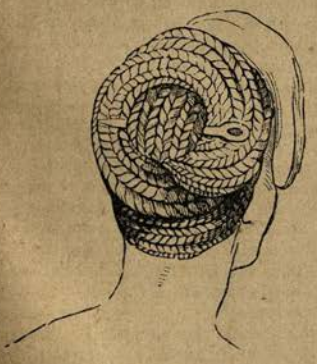
often of gold or silver, and ornamented with figures. The *ῥαφίς* seems to have answered to our sewing-needle, the *ἀκέστρα* (from *ἀκέομαι*) to our darning-needle, while *βελόνη* was appa-

rently a wider term, corresponding both to our pin and needle (cf. Pollux, vii. 42; x. 136). The preceding engraving represents a few of the more ordinary types. [J. H. O.]

II. ROMAN—a pin or needle (*qua sarcinatrix vel etiam ornatrix utitur*, Festus, *s. v.*). As a pin the *acus* seems to have been specially used for women's hair (*acus crinalis*, Apul. *Met.* c. 13, or *ornatoria*, Petron. 21; or simply *crinale*, Ov. *Met.* v. 53), and is accordingly figured, together with a comb, on the funeral monument of an *ornatrix* or *coiffeuse*. The *acus crinalis* was used to part the hair; hence called *discriminalis* (Hieron. *in Rufin.* 3, 42); and other *acus* served to curl, dye, or perfume it (Ov. *Amor.* i. 14, 15, and 30; Quintil. ii. 5, § 12; Juv. ii. 94, vi. 498). When the coiffure was complete, an ornamental pin, such as the one figured in the annexed illustration, confined the plaits or ribbons. The length of these hair-pins varies from 6 to 9 inches; the material is generally gold or silver. Pins used for other purposes, such as fastening parts of the dress, were of course smaller, though adorned with equal art; the material is various, bone, ivory, and metal being all found. As a needle, the *acus* is mentioned in embroidery (*pingere acu*, Verg. *Aen.* ix. 582; Mart. viii. 28, 17, xiv. 150) and in surgical use for sewing wounds (Celsus, vii. 16).

Acus. Roman gold Hair-pin from British Museum.

The mode of plaiting the hair, and then fastening it with a pin or needle (*figat acus tortas sustineatque comas*, Mart. xiv. 24), is shown in the annexed figure of a female head, taken from a marble group which was found at Apt, in the south of France. (Montfaucon, *Ant. Exp. Suppl.* iii. 3.) This fashion has been continued to our own times by the females of Italy, and of some parts of Germany, as, for instance, in the neighbourhood of Coblenz. (Böttiger, *Sabina*, i. p. 163; Becker-Göll, *Gallus*, iii. p. 272.) [A. G.]



Hair fastened with Pin.

ADDICTI. [NEXI.]

ADDICTIO. [ACTIO.]

ADDIX (ἄδδιξ), a Greek measure of capacity, equal to four χοίνικες. (Aristoph. *Fr.* 573 Dind., 689 Meineke, *ap.* Eustath. *in Od.* p. 1854, 12; Phot. p. 8, 6; Bekk. *Anecd.* p. 342, 26; *Etym. M.* p. 16, 53; 17, 46; Hultsch, *Metrol.* p. 275.) The form ἄδδιξις is merely a corrupt reading in Hesych. *s. v.* [P. S.] [W. W.]

ADEIA (ἄδεια), freedom from fear, or security, in any public action. When any one in Athens, who had not the full privileges of an Athenian citizen, such as a foreigner, a slave, &c., wished to accuse a person of any offence against the people, he was obliged to obtain first permission to do so, which permission was called *adeia*. (Andoc. *de Myst.* p. 2, § 11; Plut. *Pericl.* 31.) The *adeia* of a citizen did not protect the false accuser (Andoc. *l. c.* p. 4, § 20). An Athenian citizen who had incurred *atimia* was also obliged to obtain *adeia* before he could take part in public affairs (Plut. *Phoc.* 26); and it was not lawful for any one to propose to the people, that an *atimos* should be restored to his rights as a citizen, or that a public debtor should be released from his debt, till *adeia* had been granted for this purpose by a decree passed in an assembly of 6000 citizens voting secretly by ballot. (Dem. *c. Timocr.* p. 715, § 47; Böckh, *Public Economy of Athens*, p. 292.) [W. S.] [W. W.]

ADEM'PTIO. [LEGATUM.]

ADGNA'TI. [COGNATI.]

ADGNA'TIO. [HERES; TESTAMENTUM.]

ADI'TIO HEREDITA'TIS. [HERES.]

ADJUDICA'TIO. [ACTIO.]

ADLECTI or ALLECTI. **1.** Those who were chosen to fill up a vacancy in any office or collegium, and especially those who were chosen to fill up the proper number of the senate. As these would be generally equites, Festus (*s. v.*) defines the *adlecti* to be equites added to the senate, distinguishing between the *patres qui sunt patricii generis*, and the *conscripti, qui in senatu sunt scriptis annotati*; cf. also Festus, s. v. *Conscripti*. Livy (ii. 1) says *conscriptos in novum senatum appellabant lectos*. [W. S.]

2. Under the empire, by *adlectio*, which answers to the *lectio* under the republic (Mommsen, *Staatsr.* ii. 877, note), those added to the senate by the emperor were admitted to a place among the senators who had held the rank of consul, praetor, tribune or quaestor, according to the emperor's pleasure. Such were styled *adlecti inter consulares, praetorios, tribunicios*, or *quaestorios*, all which titles are found as inscriptions. The full form, however, in use even in the time of Claudius, was *adlectus in senatum et inter tribunicios relatus* (*Corp. Inscr.* v. No. 3117; cf. Mommsen, *Röm. Staatsr.* ii. 878, note 2); the abbreviated expression does not occur before Vespasian (*Corp. Inscr.* iii. 335; vi. 1359, &c.); the expression *adlectus inter consulares* apparently not before the 3rd century (Orelli, *Inscr.* 1178). Mommsen distinguishes this *adlectio* from the conferring of *ornamenta consularia*, &c. It is more probable that the two represent the same institution at different periods (cf. Willems, *Le Sénat Romain*, i. pp. 626–633).

3. *Adlecti* was also the name applied to those admitted by a decree of the council of a *municipium* or *colonia* to a seat in this body, an admission which generally involved heavy charges (cf. Plin. *Ep.* x. 112, 113; Orell. *Inscr.* 3721; Marquardt, *Staatsv.* i. 499, 507–8). [A. S. W.]

CTOR, a collector of taxes in the n the time of the Roman emperors. *d.* xii. tit. 6, s. 12; Orelli, 369, [W. S.]

CU'TIO. This was the Roman tech- for a speech or address made by an Imperator to his troops; such as stood in the place of a modern proclamation or a general order. In this sense the word occurs only upon coins. The emperors on visiting a district or province made usually a formal speech to the troops quartered there. Such a scene is represented on the accompanying coin of Trajan and medallion of Gordian III., where the emperor, accompanied by the prefect of the camp, is addressed in an abridged

io on coins of Trajan id Gordian III.

ie army represented andard-bearers. [P. G.]

'SIO, reception or audience at court. l visitors were admitted without dis- the *atria* of their wealthy friends. According to Seneca (*de Benef.* vi. 33; *de Clem.* i. 10), C. Gracchus and Livius Drusus were the first to receive some privately and others in a limited number, doubtless for political reasons. Afterwards these distinctions became the rule, and it was the exception for any one to open his doors to all comers (Cic. *ad Att.* vi. 2, 5). Under the empire friends were distinguished as *amici admissionis primae, secundae*, &c. The first alone could enter without delay, and could pay a separate visit. The rest had to await, and sometimes to purchase the favour, of the porter. At the imperial court there was a body of slaves and freedmen, acting as the introducers of visitors (*officium admissionis*, Suet. Vesp. 14; *servi ab admissione*, Orell. 2888, or *ab officiis et admissione*, and later as *admissionales*, Lamprid. *Alex. Sev.* 4). The head of the *officium admissionis* was the *magister admissionum*, subordinate himself to the *magister officiorum*. The *magister admissionum* himself introduced the most exalted visitors, and, at least in the time of Justinian, none were introduced by the *admissionales* but such as were *illustres* (Amm. Marc. xxii. 7). Hence the *admissionales* seem to have been at this time of a higher rank than most of the attendants on the court. (Cf. Marquardt, *Privatalt.* pp. 149, 231, 264.) [A. S. W.]

ADMISSIONA'LES. [ADMISSIO.]

ADOLESCENS. [INFANS.]

ADO'NIA (Ἀδώνια), a festival celebrated in honour of Adonis, the beloved of Aphrodite. It had been introduced into Greece from the East, probably about the time of the Persian wars, and, like many other Eastern rites, was celebrated in most of the Greek cities (Aristoph. *Lys.* 362; *Pax*, 410). The time and duration of the solemnities differed in the different towns and countries; but in Greece generally they seem to have lasted two days, the first being the day on which Adonis disappeared (ἀφανισμός), and the second on which his body was sought (ζήτησις) by the women in what were called "the gardens of Adonis," *i.e.* small earthen vessels which were placed before the door of private houses and at the entrance of the temple of Adonis, and in which quickly-growing and quickly-decaying herbs were planted as a symbol of the brief duration of human life. The first of these days was a day of mourning, and the second one of rejoicing and amusements of various kinds, such as the proposing of riddles, because on that day Adonis was conceived to be coming to life again to dwell with Aphrodite for six months (Plut. *Alcib.* 18; *Nic.* 13; Athen. p. 451 b; Hesych. and Suidas, *s. v.*; Roulez, *Mélanges*, vol. iii. p. 1 ff.). Other particulars respecting the worship and festivals of Adonis are given under ADONIS in the *Dict. of Biogr. and Mythol.* [L. S.]

ADOP'TIO, adoption. The idea of the conservation of families lay at the root of Greek and Roman, as of Hindoo, adoption; and Isaeus (*Menecl.* § 29) speaks of it as in use both among Greeks and barbarians.

I. GREEK, was called by the Athenians εἰσποίησις, or sometimes simply ποίησις or θέσις. The Greek writers use θέσις also as equivalent to the Roman *adoptio*, and θετοί as equivalent to *adoptivi*. (App. *B. C.* iii. 13, 14.) The adoptive father was said ποιεῖσθαι, εἰσποιεῖσθαι, or sometimes ποιεῖν: and the father or mother (for a mother after the death of her husband could consent to her son being adopted) was said ἐκποιεῖν; the son was said ἐκποιεῖσθαι, with reference to the family which he left; and εἰσποιεῖσθαι, with reference to the family into which he was received. The son, when adopted, was called ποιητός, εἰσποιητός, or θετός: in opposition to the legitimate son born of the body of the father, who was called γνήσιος.

A man might adopt a son either in his lifetime or by his testament, provided he had no male offspring and was of sound mind. He might also, by testament, name a person to take his property, in case his son or sons should die under age. (Lex ap. Demosth. ii. *Steph.* p. 1133, § 14.) If he had male offspring, he could not dispose of his property. This rule of law was closely connected with the rule as to adoption; for if he could have adopted a son when he had male children, such son would have shared his property with the rest of his male children, and to that extent the father would have exercised a power of disposition which the law denied him.

Only Athenian citizens could be adopted; but females could be adopted (by testament at least) as well as males. (Isaeus, *Hagn.* §§ 8, 41.) The adopted child was transferred from his own family and demus into those of the adoptive father; he inherited his property and maintained the sacra of his adoptive father. It was not necessary for him to take his new father's name, but he was registered as his son.

The adopted son might return to his former family, but only in case he left a child to represent the family of his adoptive father (Isaeus, *Philoctem.* § 53: *ὁ γὰρ νόμος οὐκ ἐᾷ ἐπανιέναι ἐὰν μὴ υἱὸν καταλίπῃ γνήσιον*). Unless he so returned, he lost all right which he might have had on his father's side if he had not been adopted: *οὐδεὶς γὰρ πώποτε ἐκποιητὸς γενόμενος ἐκληρονόμησε τοῦ οἴκου ὅθεν ἐξεποιήθη, ἐὰν μὴ ἐπανέλθῃ κατὰ τὸν νόμον* (Isae. *Astyph.* § 4). But he retained all rights which he might have on his mother's side, for the act of adoption had no effect so far as concerned the mother of the adopted person; she still continued his mother after the act of adoption (Isae. *Apollod.* § 31).

If the adopted son were a minor, the consent of his natural parents was required; the contrary has been maintained, but the right of refusal may be considered as proved by a passage in Isaeus (*Menecl.* § 26): *ἀλλ' οὐκ ἂν αὐτῷ ἔδωκεν, ἄπαιδα αὑτὸν καθιστάς.*

The next of kin of an Athenian citizen were entitled to his property if he made no disposition of it by will, or made no valid adoption during his lifetime; they were, therefore, interested in preventing fraudulent adoptions. The whole community were also interested in preventing the introduction into their body of a person who was not an Athenian citizen. To protect the rights of the next of kin against unjust claims by persons who alleged themselves to be adopted sons, it was required that the father should enter his son, whether born of his body or adopted, in the register of his phratria (*φρατρικὸν γραμματεῖον*) at a certain time, the Thargelia (Isae. *Apollod.* §§ 3, 5), with the privity of his kinsmen and phratores (*γεννῆται, φράτορες*). Subsequently to this, it was necessary to enter him in the register of the adoptive father's demus (*ληξιαρχικὸν γραμματεῖον*), without which registration it appears that he did not possess the full rights of citizenship as a member of his new demus.

If the adoption was by testament, registration was also required, which we may presume that the person himself might procure to be done, if he was of age, or, if not, his guardian or next friend. If a dispute arose as to the property of the deceased (*κλήρου διαδικασία*) between the son adopted by testament and the next of kin, there could properly be no registration of the adopted son until the testament was established. If a man died childless and intestate, his next of kin according to the Athenian rules of succession took his property (*ἀγχιστεία κατὰ γένος*: Dem. *Leochar.* §§ 2, 6, 7, &c.). Though registration might in this case also be required, there was no adoption properly so called, as some modern writers suppose; for the next of kin necessarily belonged to the family of the intestate.

The rules as to adoption among the Athenians may be mainly deduced from the orations of Isaeus, and those of Demosthenes against Macartatus and Leochares. These last two speeches are instructive examples of opposite cases: in the former, the plaintiff claims as an adopted son; in the latter, the next of kin resist a similar claim. [G. L.] [W. W.]

II. ROMAN.—1. This was the subjecting of a Roman citizen to the fatherly power of another otherwise than through marriage. The person adopting became the lawful (*justus*) father of one who was not his natural child, thereupon became his lawful son or [illegible] and a member of his family. Accor[illegible] adopted child received the name of th[illegible] adding to it, as an additional cognome[illegible] derivative from the name, or the na[illegible] of his former family. Thus the son of[illegible] lius Paullus, when adopted by P. [illegible] Scipio, became P. Cornelius Scipio Ae[illegible] and Q. Servilius Caepio Brutus was th[illegible] M. Brutus after his adoption by Caepi[illegible] person who thus entered into a new f[illegible] dependent (*filius familias*), the matt[illegible] less legal importance, and required less[illegible] than when a head of a family (*pater[illegible] i.e.* a man not under the power of a[illegible] *juris*), and presumably having propert[illegible] haps children, was to become subject to[illegible] power. Of the latter, the best-know[illegible] that of P. Clodius, who, though a se[illegible] himself adopted by P. Fonteius, a p[illegible] twenty years of age, in order to quali[illegible] to be elected a tribune of the Com[illegible] retained his old name, perhaps, as sug[illegible] Lange (*Röm. Alt.* i. p. 139, ed. 3), b[illegible] adoption was only a form (*fiduciae cau[illegible] co-emptions of women, Gai. i. 114, 11[illegible] was immediately emancipated. Cicer[illegible] sion of this case (*Dom.* 13, 14) gives u[illegible] of law of the period. According to[illegible] college of priests (*pontifices*) used to in[illegible] the reason of the adoption, the suitabi[illegible] transaction to the dignity of the tw[illegible] and the security for the due maint[illegible] the sacred rites of the family which[illegible] losing a representative. The adopter[illegible] be one who had been married, who ha[illegible] dren, and could not have any, and wh[illegible] might have been the natural fathe[illegible] adoptee. On the favourable report, [illegible] proposal of the priests, a bill (*rogatio*) autho-rising the adoption had still to be passed by the *curiae*. Gellius (vi. 19; comp. also Cic. *Dom.* 29) gives this form: "Velitis jubeatis uti L. Valerius L. Titio, tam jure legeque filius siet, quam si ex eo patre matreque familias ejus natus esset, utique ei vitae necisque in eum potestas siet uti patri endo filio est. Haec ita uti dixi, ita vos Quirites rogo." From this procedure by bill the term *adrogatio* was applied to the adoption of a person *sui juris*. The earliest uses that we know is in Gaius and A. Gellius. Cicero uses *adoptio*, or *adoptatio* of both forms, and so do the lawyers, frequently distinguishing them as *adoptio quae per* (or *apud*) *populum fit*, and *ad quae apud praetorem fit*. The difference relates to the form and conditions of the act, and not to the legal position thereby acquired.

2. *Adoptio per populum*, or *arrogatio*.—The procedure in the case of arrogation was inquiry before the priests and a bill passed by the *curiae*. But even in Cicero's time the *curiae* were not assembled, but were represented by thirty lictors (Cic. *Rull.* ii. 12, § 31). Some have thought that the *pontifices* took their place (Vangerow, § 251), but there seems no ground either from Gellius, *l. c.*, or from Tac. *Hist.* i. 15, *si te privatus lege curiata apud pontifices ut moris est adoptarem*, to assign to them any other function than they always had in this matter, though no doubt this function gained in relative importance as the curial assembly became a mere form. At length

a rescript of the emperor was substituted for both, and the arrogation took place before the magistrate (comp. Gai. i. 98 with Just. *Inst.* i. 17, § 1). The first mention, by some considered the first Constitution, of this is in a law of Diocletian (Cod. viii. 47, 2). The arrogator had to appear in person (Dig. 1, 7, 25). The *detestatio sacrorum* mentioned by Gellius (xv. 27; vi. 12) is taken by Savigny (*Verm. Schr.* i. 197) to be part of the ceremony, viz. the formal abandonment of the sacred rites of the gens on the part of the arrogatus. (Danz, *Sacral. Schutz.* p. 87, opposes; Vehring, *Röm. Erbr.* p. 124, supports this view.)

In Gaius' time arrogation still required the authority of the people, and consequently could take place at Rome only, and when he wrote some of his Institutes (i. 101), according to the better opinion, applied only to males; so also Ulpian (*Fr.* 25). But later on Gaius tells us (if the quotation in the Digest [1, 7, 21; cf. *Cod.* viii. 47, 8] has not been altered), by a rescript of the emperor the arrogation was allowed. Whether a younger could adopt by either form an elder was, in his time (i. 106), still undecided. Later it was held that the adopter must be older than the adopted by the age of full puberty, *i.e.* by a period of eighteen years (D. 1, 7, 15, § 3; s. 40, § 1). Unless, indeed, some special reason of health or intimacy existed, an arrogator ought to be sixty years old (s. 15, § 2).

The effect of arrogation was to transfer, as a whole (*per universitatem*), the property and future acquisitions of the person arrogated to his new father (Justinian allowed him only the usufruct, and only on the son's death unemancipated gave him the property in fee, *Inst.* iii. 10, § 2). All the children who were in his power fell under the same power as himself, and became grandchildren of the adopter of their father (s. 15, s. 40; Gai. i. 107). Hence Tiberius was made to adopt Germanicus before he himself was adopted *lege curiata* by Augustus (Suet. *Tib.* 15). But the change of civic person (*capitis deminutio*, Gai. i. 162) brought about by his adoption caused a loss altogether of rights attached to his person, viz. any usufruct vested in him (repealed by Justinian, *Cod.* iii. 33, 16), any services which his freedman had sworn to render him (cf. D. 38, 1, 7; 9), and some others (Gai. iii. 83). At the same time all debts owed by the arrogatus on his own account did not, in strict law, become chargeable on the arrogator, but dropped altogether. The praetor, however, interfered, and gave the creditors a right, if their claims were not duly satisfied, to obtain payment by selling all the property that would have been their debtor's if he had not been adopted. If, however, the debts were owing by the arrogatus, in capacity of heir to some one else, the arrogator took the burden as parcel of the inheritance (Gai. iii. 84). A will made by a person adopted was broken, unless he was emancipated before his death (Gai. ii. 147; D. 29, 7, 8, § 3).

A person under the age of puberty (*impubes* or *pupillus*) could not be arrogated until a letter of Antoninus (Pius) allowed it under certain circumstances and conditions (Gell. v. 19, § 10; Gai. i. 102). If the arrogator had a child or children already, the propriety of the adoption was very questionable. In any case the consent of all the guardians was required (*Cod.* v. 59, 5), and the adoption must be shown to be for the youth's interest, due inquiry having been made into the morals of the arrogator and into the means of both parties; and the arrogator had to give security to a public officer (*servus publicus* or *tabellarius*) that, if the arrogatus died before the age of puberty, he would restore all the property of the arrogatus to those who would have been entitled if the adoption had not taken place (Just. i. 11, 3; D. 1, 7, 17; 18). On the death of the arrogator, the son, if surviving, and even though emancipated, unless for good cause, was entitled to the same; and in addition to one-fourth part of the arrogator's property (D. 1, 7, 22; *Cod.* viii. 37, 2; D. 38, 5, 13). This fourth part is often called *Quarta divi Pii*. A guardian or curator was not allowed to adopt one who had been his ward, lest it should be done to avoid giving account of his charge (D. 1, 7, 17). A stepfather, being guardian, was allowed by Antoninus Pius to adopt his stepson (s. 32), and the stepson (or any adopted *impubes*?) could, on reaching puberty and showing adequate cause, sometimes obtain emancipation (ss. 32, 33).

After the time of Claudius the adoption of a minor (s. 8) required the consent of his curator (s. 8).

3. *Adoptio apud praetorem.*—Adoption, in the narrower sense of the term, as opposed to *arrogatio*, came under somewhat different considerations. The natural father had to give his consent (besides the consent, actual or tacit, of the child, s. 5); and this was a safeguard of the adoptee's interests (Theoph. *Inst.* i. 11, § 3). Moreover, the adoptee would, as *filius-* or *filia-familias*, have no property (except perhaps *castrense peculium*, and that would not pass to the adopter: D. 49, 17, 12). Nor would his children, if any, leave the family of their grandfather (D. 1, 7, 40, pr.). Persons of either sex and of any age could be adopted either at Rome before the praetor, or in the provinces before the proconsul or legate (Gai. i. 101, 102). The procedure was the result of the person to be adopted not being *sui juris*. The link with the natural family had to be dissolved before the link with the adoptive family could be made. The law held that not until a father had mancipated his son three times (a daughter or grandchild only once: Gai. i. 132) was the son deemed free from the father's control. Accordingly, on the first mancipation, the person to whom he was thus transferred set him free. The father's old power at once attached. The second mancipation and manumission had the same result. The father then mancipated him a third time. If he were manumitted, he would be free from the control of his father, and indeed would be *sui juris*. So, instead of manumission, the adopter claims (*vindicat*) him as his son, and on no counterclaim being asserted the magistrate assigns (*addicit*) him to the adopter. This ceremony was sometimes transacted merely between the natural and the adoptive father, who, in that case, on receiving him from the natural father on the third mancipation, did not manumit him, but remancipated him to his natural father, from whom he then claimed him as his son. This was the usual and more convenient course. But sometimes a third person was employed, to whom the father mancipated the son. In that

case, on the third mancipation, the adoptive father interfered and claimed him as his son (Gai. i. 134). This form is referred to in Cicero's words "filium in adoptionem D. Silano emancipaverat" (*Fin.* i. 7, § 24), and in Suetonius: "Gaium et Lucium adoptavit (Augustus) domi per assem et libram emptos a patre Agrippa" (*Aug.* 64). Justinian abolished this antiquated form, and substituted simple declaration by deed (*actis intervenientibus*), both parties being present before the magistrate (*Cod.* viii. 47, 11). A child did not lose by adoption all his rights in his natural family. He was still a cognate, and as such entitled to succeed in the third degree to the inheritance of an intestate father (Gai. iii. 31). If emancipated by his adoptive father, he reverted to the position and rights of an emancipated son of his natural father (Gai. ii. 137).

A Constitution of Justinian (*Cod.* viii. 47, 10; *Inst.* i. 11, § 2) greatly altered the effect of this adoption. The adoptee no longer either lost his natural rights, or acquired and conferred any, except a right to succeed in due place to the inheritance of the adopter if he died intestate without having emancipated him. If, however, the adopter was a maternal or (if the father was emancipated) a paternal grandfather, in this case, natural and adopted ties concurring, the old effect of adoption remained.

4. In all adoption the rule holds: "Adoptio non jus sanguinis sed jus agnationis adfert" (D. 1, 7, 23), and a person adopted became *agnate* to all to whom his adoptive father is *agnate* (D. 38, 8, 1, § 4; 16, 2, § 3), and brothers and sisters by adoption were called *consanguinei* as well as those by birth (D. 38, 16, 1, § 11; cf. *Collat.* xvi. 6). But the adopted son was not related either to the mother or to the emancipated children of the adopter or to his wife, unless the wife were *in manu*, in which case she would be legally a sister to the adopter. (Cf. Gai. iii. 14.) The son of an adopted person was himself in an adoptive position (D. 1, 7, 27). Emancipation of an adopted child broke all connexion between him and the adoptive family (s. 13), excepting that marriage between the adopter and his adopted daughter or granddaughter, though emancipated, remained unlawful (Gai. i. 59). No re-adoption by the same person, not being the natural father, was possible (D. 1, 7, 37).

A person might be adopted into the place of son, or grandson (even if the adopter had no son), or great-grandson, &c., and the same applies analogously to the adoption of girls. Further, the adoption into the place of grandson might specifically connect him with a particular son of the adopter, and thus make him brother of that son's children, if any. But the son's consent was required. If the son did not consent, the adoptee would not fall into the son's power on the death of the adopter (D. 1, 7, 6, 10, 43, 44).

The adoption of another person's freedman was not allowed (D. 1, 7, 15, § 3), probably lest the patron's rights should be impaired. Nor could a slave be adopted in the time of Sabinus (Gell. v. 19, § 3), though in early days it was allowed, the slave of course being mancipated and then claimed as son, as in the adoption of a *filius familias* (cf. Schlesinger, *Zeitschr. R. G.* vi. 119 ff.). The adoption of illegitimate children by their father was forbidden by Justin, A.D. 519 (*Cod.* vii. 27, 7).

5. Besides feelings of affection, other causes sometimes led to adoptions. In early times there was the desire to maintain the family and its sacred rites (cf. Cic. *Legg.* ii. 19); in the time of Claudius the desire to qualify under the provisions of the Lex Julia et Papia Poppaea (cf. Gell. ii. 15), or escape the penalties on childless persons. A decree of the senate declared that no such pretended adoption (manumission having at once followed the adoption) should have any effect (Tac. *Ann.* xv. 19), and so we find adopted children were not counted so as to excuse from public offices (D. 50, 5, 2, § 2). And a trust conditional on the death of sons leaving no children was not defeated by their leaving an adopted child (D. 35, 1, 76).

6. Testators, at the time of Cicero, and later in several cases, coupled the grant of part of their estate with a direction to the heir to bear the testator's name; and this is often spoken of by historians as an adoption. So in the case of a Crassus, spoken of by Cicero (*Brut.* 58, § 212); of Atticus, adopted by will by his uncle Q. Caecilius (Nep. *Att.* 5); and especially of Octavius, adopted by Julius Caesar (Suet. *Jul.* 83). In this last case a *lex curiata* was obtained to confirm it (Appian, *Civ.* iii. 94; Dio Cass. xliv. 35, xlv. 3–5, &c.). No such adoption (though recognised by Greek law; cf. Isae. *Dicaeog.* § 6) is mentioned by Roman lawyers, and it obviously lacks both the due form and the substance of fatherly power obtained over the adopted. Some modern writers have regarded it as an appointment of heir conditional on bearing the testator's name (cf. Cic. *Att.* vii. 8, § 3). Suetonius tells of Tiberius taking an inheritance but declining the name attached (*Tib.* 6). But this conduct is not wholly destitute of legal support (cf. D. 36, 1, 63, § 10); and, in any case, acts either of Octavius or of others of the imperial family are scarcely to be trusted as indications of general law.

Another pseudo-adoption is found in the rescript of Diocletian (*Cod.* viii. 47, 5; cf. D. 5, 2, 2, § 3) allowing women to adopt a son. Rights of inheritance would probably be the only legal result.

The principal authorities are Cic. *pro Domo;* Gaius, i. 97–107, 134, iii. 83, 84; Ulpian, *Fr.* 8; Just. *Inst.* i. 11, iii. 10; Dig. 1, 7; *Cod.* viii. 47 (48). [G. L.] [H. J. R.]

ADORA'TIO (προσκύνησις) was paid to the gods in the following manner: — The person prostrated himself (*pronus*, Juv. xi. 47) before the statue of the god whom he wished to honour, then kissed his hand and waved it to the statue (cf. Apul. *Met.* iv. 28, *admoventes oribus suis dexteram, primore digito in erectum pollicem residente — adorationibus venerabantur*). While doing this he moved round his whole body, usually from left to right, but sometimes (*e.g.* in Gaul, Plin. *H. N.* xxviii. § 25; and in the temple of Aesculapius at Rome; *Corp. Inscr. Gr.* 5980) from right to left, for which custom Plutarch (*Num.* 14) gives some curious reasons; but the true reason is quite unknown. Hence the *convertere se* is used for *adorare* in Liv. v. 21 (cf. Plaut. *Curc.* i. 1, 69). It was also the practice to have the head and ears covered, so that only the forepart of the face remained

uncovered (Plin. *l. c.*; Lucret. v. 1197). The *adoratio* differed from the *oratio* or prayers, which were offered with the palms open and upturned to heaven, the suppliant usually kneeling. (*Il.* vii. 177; *ὑπτιάσματα χερῶν*, Aesch. *Prom.* 1005; *caelo supinas ferre manus*, Hor. *Carm.* iii. 23, 1.) Clasping of the hands (*digitisinterse pectine iunctis*, Ov. *Met.* ix. 299; *digitis pectinatim inter se implexis*, Plin. *H. N.* xxviii. § 59) was a gesture only resorted to by witches, as a means of hindering childbirth. The adoration paid to the Roman emperors was borrowed from the Eastern mode of adoration, and consisted in prostration on the ground, and kissing the feet and knees, or even the dress (cf. Amm. Marc. xxi. 9, *adorari purpuram principis*) of the emperor (but this did not become the ordinary etiquette of the court before the time of Diocletian). Instances, however, of this servile adoration occur much earlier; thus Vitellius "adored" Caius Caesar when returning from Syria: *capite velato circumversusque se deinde procumbens* (Suet. *Vit.* 2). This mode of prostration is also called *adulatio* (Liv. ix. 18, 4, *humi jacentium adulationes*; cf. xxx. 14, 5). [A. S. W.]

Adoratio, from a vase in the British Museum.

ADROGA'TIO. [ADOPTIO (ROMAN).]

ADSCRIPTI'VI. [ACCENSI.]

ADSERTOR. [ASSERTOR.]

ADSESSOR. [ASSESSOR.]

ADSIGNA'TIO. [AGRARIAE LEGES and AGER.]

ADSTIPULA'TIO. [OBLIGATIONES.]

ADSTIPULA'TOR. [INTERCESSIO.]

ADULA'TIO. [ADORATIO.]

ADULTE'RIUM, adultery. **1.** GREEK. Among the Athenians, if a man caught another in the act of criminal intercourse (*μοιχεία*) with his wife, he might kill him with impunity. According to Lysias (*de Caede Eratosth.* § 2) the law was the same in all Greek states, oligarchical or democratic, and without reference to the rank or position of the offender (cf. Xen. *Hiero*, iii. 3). Other punishments short of death are alluded to in Aristophanes (*Nub.* 1083; *Plut.* 168) and Lucian (*de Morte Peregr.* § 9). The right of vengeance extended to the cases of a wife, mother, sister, daughter, or even a concubine (*παλλακή*), if she were the mother of free children (Lys. *l. c.* § 31; Dem. *Aristocr.* p. 637, § 53). But it was no adultery for a man to have connexion with a married woman who prostituted herself, or who was engaged in selling anything in the agora (Dem. *c. Neaer.* p. 1367, § 87). The husband might, if he pleased, take a sum of money from the adulterer by way of compensation, and detain him till he found sureties for the payment. If the alleged adulterer had been unjustly detained, he might bring an action against the husband; and, if he gained his cause, he and his sureties were released. If he failed, the law required the sureties to deliver up the adulterer to the husband before the court, to do what he pleased with him, except that he was not to use a knife or dagger. (Dem. *l. c.* p. 1367, § 85.)

The husband might also prosecute the adulterer in the action called *μοιχείας γραφή*. If the act of adultery was proved, the husband could no longer cohabit with his wife under pain of losing his privileges as a citizen (*ἀτιμία*). The adulteress was excluded even from those temples which foreign women and slaves were allowed to enter; and if she was seen there, any one might treat her as he pleased, provided he did not kill her or mutilate her. (Dem. *l. c.* p. 1374, § 115; Aeschin. *c. Timarch.* § 183.)

Lysias further tells us (*l. c.* § 32) that the law punished seduction more than actual violence: *τοὺς βιαζομένους ἐλάττονος ζημίας ἀξίους ἡγήσατο εἶναι ἢ τοὺς πείθοντας*. The infidelities of a husband, as might be expected, were viewed more leniently, and gave the wife no right of action for divorce. [G. L.] [W. W.]

2. ROMAN. Adulterium properly signifies, in the Roman law, the offence committed by a man, married or unmarried, having sexual intercourse with a woman whom he knows to be another man's wife. Stuprum (called by the Greeks *φθορά*) signifies intercourse with an unmarried woman, but to live with a woman in the state of concubinage was not stuprum (D. 25, 7, 6, § 7). It was the condition of the female which determined the legal character of adultery; there was no adultery unless the female was married. The infidelity of the husband was restrained simply by moral and not by legal sanctions (Cato, *ap.* Gell. x. 23, § 5). The male who committed adultery was *adulter*, the female *adultera*. The Latin writers were puzzled about the etymology of the word *adulterium*; but if we look to its various significations besides that of illegal sexual intercourse, we find that we may safely refer it to the same root as that which appears in *adultus*. The notion is that of "growing to," "fixing" or "fastening to" one thing on another and extraneous thing; hence, among other meanings, the Romans used *adulterium* and *adulteratio* as we use the word "adulteration," to express the corrupting of a thing by mixing something with it of less value. Early Roman law appears to have left the punishment of adultery to private revenge and the jurisdiction of the family. (Dionys. ii. 25; Suet. *Tib.* 35.) The husband and also the father of the adulteress were allowed to take the law into their own hands, and put to death the two guilty parties. The Lex Julia de Adulteriis deprived the husband of the right of killing his wife taken in adultery; under this law he was not entitled to kill the adulterer, unless the latter was an infamous person, and had been detected in the husband's house. (Paul. ii. 26, 1–7; Coll. Leg. iv. 8.) The Lex Julia left the father the power of killing his daughter. This power was strictly limited. Thus he was not entitled to put one of the parties to death and spare the other (if he killed only one of the parties, he brought

himself within the penalties of the Cornelian law de Sicariis); the punishment had to be inflicted at once and on both; the father had only jurisdiction when the offence was detected in his own house or in that of the husband (Dig. 48, 5, 23, § 4; cf. Quint. iii. 11. 7, 5. 10, 104. 7, 1. 6). If the father were a *filius familias*, he had not by the Lex Julia any power of killing, but notwithstanding this he was permitted to exercise it (Paul. *Sent.* 26, 2). He had no jurisdiction over an emancipated child. The Lex Julia de Adulteriis coercendis, passed in the time of Augustus (probably B.C. 17), repealed in its first chapter some prior enactments on the same subject, the exact purport of which is unknown. Horace (*Carm.* iv. 5, 21) alludes to the Julian law. By this enactment the husband and father of the adulteress were given the right of prosecuting the adulterer and adulteress; but if they did not do so within sixty days, any other person might prosecute (Dig. 48, 5; Tac. *Ann.* ii. 85). A woman convicted of adultery was mulcted in half of her *dos* and the third of her separate property, and was banished (*relegata*) to some island. The adulterer forfeited half his property, and was banished in like manner, but not to the same island as the woman. The adulterer and adulteress were subjected also to civil incapacities. This law did not inflict the punishment of death on either party; and in those instances under the emperors in which death was inflicted, it must be considered as an extraordinary punishment, and beyond the provisions of the Julian law (Tac. *Ann.* ii. 50; iii. 24). By the Julian law, if a husband kept his wife after an act of adultery was known to him, and let the adulterer off, he was guilty of the offence of *lenocinium*. If the wife was divorced for adultery, the husband was entitled to retain part of the *dos* (Ulp. *Fr.* vi. 12). The husband, by the fifth chapter of the Julian law, could detain for twenty hours the adulterer whom he had caught in the act, for the purpose of calling in witnesses to prove the adultery. The Emperor Constantine limited the right of prosecuting under the Lex Julia to the husband, father, brother, and uncle of the accused woman. In the same Constitution of Constantine, the offence of the adulterer was made capital (*sacrilegos autem nuptiarum gladio puniri oportet*, *Cod.* ix. 9, 29). By the legislation of Justinian (*Nov.* 134, c. 10), the law of Constantine was probably only confirmed; but the adulteress was put into a convent, after being first whipped. If her husband did not take her out in two years, she was compelled to assume the habit, and to spend the rest of her life in the convent. Justinian also provided for the disposal of the forfeited property of the adulterer and adulteress.

The authorities for the Lex Julia de Adulteriis are collected by Rein, *Das Criminalrecht der Römer*; cf. Wächter, *Abh.* i. 102–122; Rudorff, *Röm. Rechtsgesch.* [G. L.] [E. A. W.]

ADULTUS. [INFANS.]

ADVENTUS. The arrival of an emperor in one of the provinces is an event frequently commemorated in bronze coins issued at Rome. The specimen engraved in the next column represents the arrival of Hadrian in Judaea, Judaea being represented by a female figure accompanied by children. [P. G.]

ADVERSA'RIA, note-book, memorandum-book, posting-book, in which the Romans entered memoranda of any importance, especially of money received and expended, which were afterwards transcribed, usually every month, into a kind of ledger. (*Tabulae justae, codex accepti et expensi.*) The *adversaria* were not admitted as legal evidence, although the *tabulae* were (cf. Gaius, § 128–133; Ortolan, *Explic. Hist.* iii. 244 ff.). They were probably called *adversaria* because they lay always open before the eyes. (Cic. *p. Rosc. Com.* 2, 7; Propert. iii. 23, 20.) [W.S.] [A.S.W.]

Adventus on coin of Hadrian.

ADVERSA'RIUS. [ACTOR.]

ADVOCA'TUS seems originally to have signified any person who supported another in a cause or other business, as a witness for instance (Varro, *de Re Rust.* ii. 5), or as an assistant in taking possession of disputed property (Cic. *pro Caec.* 8, § 22). It was specially used in the time of the republic for a person who accompanied a party to an action into court, in order to give him legal advice or the support of his presence. The advocatus did not, like the orator or patronus, speak on behalf of the party he was assisting. (Schol. *ad* Cic. *Divin.* i. 11, Orelli, p. 104.) Under the empire the terms patronus and advocatus ceased to be distinct in meaning. (Tac. *Ann.* x. 6.) Advocatus then meant a person who in any way assisted another in conducting an action in court. (Dig. 50, tit. 13, s. 1.) The great jurists sent written opinions (*responsa*), and were not themselves present at the hearing of causes. The office of advocate was originally regarded as a purely honorary one. The Lex Cincia (550 A.U.C.) expressly prohibited patroni from taking any remuneration for their services. Under Augustus, advocati who accepted pay were made liable to a penalty (Dio Cass. liv. 18). Claudius allowed advocati to take fees not amounting to more than 10,000 sesterces. (Tac. xiii. 5; Quint. xii. 7, § 11.) Diocletian made further regulations as to the amount of the fee. The fee was not recoverable as due on a contract of letting and hiring (*locatio conductio*), but payment of it, as a honorarium, was enforced by the magistrate under his *extraordinaria cognitio*.

There came to be attached to each court of justice under the empire a limited number of advocates, who had a monopoly of practice. Such advocates (*statuti*) were appointed by the judge of the court to which they belonged, their names being entered on a register (*matricula*) kept for the purpose. The advocates of each court constituted a corporation.

The advocatus fisci, an officer instituted by

Hadrian (Spart. *Hadr.* 60), was the first in rank of such advocates. It was his business to look after the interests of the fiscus or the imperial treasury, and, among other things, to maintain its title to *bona caduca*. The various meanings of advocatus in the Middle Ages are given by Du Cange, *Gloss.* (Dig. 28, tit. 4, s. 3; Hollweg, *Civil-Prozess*, i. §§ 16, 17.) [E. A. W.]

ADY'NATI (ἀδύνατοι), persons supported by the Athenian state, who, on account of infirmity or bodily defects, were unable to obtain a livelihood. The sum which they received from the state appears to have varied at different times. In the time of Lysias (*Or.* 24, § 29) one obolus a day was given; later, seemingly about the time of Aristotle, it was increased to two oboli. As to the date of this change authorities differ; compare Harpoc. *s. v.* with Bekk. *Anecd.* p. 345. Another sum, intermediate between the two, 9 drachmas (=54 oboli) per month, is mentioned by Philochorus, *ap.* Harpocrat. The bounty was restricted to persons whose property was under three minae. It was awarded by a decree of the people, but the examination of the individuals belonged to the senate of the Five Hundred: the payments were made by prytanies. Peisistratus is said to have been the first to introduce a law for the maintenance of those persons who had been mutilated in war; but, according to others, this provision derived its origin from a law of Solon. (Plut. *Solon.* 31; Schol. *Aeschin.* p. 738, Reiske; Aeschin. *c. Tim.* § 103; Harpocrat., Suid., Hesych. *s. v.*; Lysias, *Or.* 24, *Pro Inval.*, a speech written for an individual in order to prove that he was entitled to be supported by the state; Böckh, *Public Econ. of Athens*, p. 242 ff.) [W. S.] [W. W.]

AD'YTUM. [TEMPLUM.]

AEACEIA (αἰάκεια), a festival of the Aeginetans in honour of Aeacus, the details of which are not known. The victor in the games which were solemnised on the occasion consecrated his chaplet in the magnificent temple of Aeacus. (Schol. *ad* Pind. *Ol.* vii. 156, xiii. 109; *Nem.* v. 78; Müller, *Aeginetica*, p. 140.) [L. S.]

AEDES. [DOMUS; TEMPLUM.]

AEDES VITIO'SAE, RUINO'SAE. [DAMNUM INFECTUM.]

AEDIC'ULA signifies in the singular a room (Plaut. *Epid.* 402), but in the plural a small house (Ter. *Phorm.* 663). It is, however, more frequently used in the sense of a shrine, whether attached to a temple (Liv. xxxv. 9, *aediculam Victoriae virginis prope aedem Victoriae M. Porcius Cato dedicavit*), or quite an independent building, of which there are many representations in works of art; or finally niches in the walls of temples or houses, containing images of gods and goddesses, like that here figured (Overbeck, *Bildwerke*, pl. 30, 1). (Liv. xxxv. 41; Plin. *H. N.* xxxiii. § 19; Petron. 29; Apul. *Met.* p. 93: *Eponae deae simulacrum residens aediculae.*) The topographers of Rome speak of 423 *aediculae* in Rome, one for every *vicus*; these were probably partly chapels, partly niches, and were usually placed at the cross-ways. They contained the images of the tutelary deity of the *vicus*. On the other hand, the *aediculae* within the house contained images of the Lares and Penates. There were also portable shrines, often of precious materials, like those made at Ephesus (*Act. Ap.* xix. 4). [A. S. W.]

Aedicula or Shrine.

AEDI'LES. I. AEDILES PLEBIS. In the year B.C. 494, after the secession of the plebs to the Mons Sacer, this body was organised for the first time under magistrates of its own, answering to those of the patrician community. As the *tribuni plebis* corresponded to the consuls, so the *aediles plebis* corresponded to the quaestors; they were the subordinate officers of the tribunes, at first perhaps appointed by them, but after the Lex Publilia elected in the plebeian assembly under their presidency, placed under the same *leges sacrae*, and possessing a sacrosanct character (Dionys. vi. 90). The origin of their name is not certain, but the best interpretation is that which explains it from their functions as guardians of the temple of Ceres, in which copies of all the decrees of the senate were preserved (so Niebuhr, *Hist.* i. 621; Lange, *R. A.* i. p. 715; Mommsen, *Staatsr.* ii. 447).* After the Lex Publilia they were no longer mere assistants of the tribunes, but *collegae minores*. By degrees, as the political side of the functions of the tribunes became the more important, the aediles came to play a more independent part within the sphere that was left to them. In B.C. 454, the Lex Aternia Tarpeia conferred upon them the *ius multae dictionis*; this carried with it the *ius contionis*, and the *ius edicendi*, the right of convening and addressing a meeting of the citizens, and of declaring beforehand the principles on which they meant to act; but the *ius auspiciorum* was still wanting; so that they could not be reckoned as, strictly speaking, *magistratus populi Romani*. The recorded instances of their action at this period are such as were due to the direction either of the tribunes or of the senate. Thus, acting under the orders of the former, they arrested accused men (Dionys. vi. 90), and carried out sentences of death (when confirmed by the popular assembly) by hurling from the Tarpeian rock (Dionys. vii. 35, xi. 6; Plut. *Cor.* 18; Liv. vi. 20). Their superintendence of the publication of the Twelve Tables (Liv. iii. 57), of the exclusion of foreign deities and forms of worship (Liv. iv. 30), of the corn supplies (Plin. *H. N.* xviii. 15), and of the plebeian (Pseud. Ascon. p. 143 Or.) and Roman (Liv. vi. 42) games, seems to have been the result of special commissions from the senate or the consuls. As the aediles thus ceased by degrees to be the mere assistants of the tribunes, they gradually lost their sacrosanct character, which attached to them only as agents of the inviolable tribunes, and were ranked in

* Madvig, *Verf.* i. 422, prefers the old derivation from *aedes* in the most general sense, arguing both from the application of the name also to the patrician magistrates and from the fact that the title was common in the *municipia*, where no such special relation can be supposed.

this respect with other lesser magistrates (Liv. iii. 55). But they never ceased to be plebeian magistrates, and none but plebeians were eligible; they had no insignia of office; and were always chosen apart from the curule aediles at the comitia tributa, under the presidency of a tribune.

II. AEDILES CURULES. Livy's story (vi. 42) is that in commemoration of the passing of the Licinian Rogations, the senate ordered that a fourth day should be added to the *ludi Romani*; the plebeian aediles were reluctant to bear the burden thus imposed upon them; the young patricians volunteered to undertake it; and a resolution of the senate empowered the dictator to propose to the people the election of two patrician *aediles curules*. This story is altogether rejected by Niebuhr (*Hist.* iii. 33 f.), and it is far more probable that we have here an instance of the desire to absorb into the constitution of the united community an office which was originally characteristic of the plebeian revolution (Mommsen, *Staatsr.* ii. 457). Hence we find after this no traces of any especial connexion between the aediles and the tribunes: but plebeian and curule aediles alike are regarded as the subordinates of the consuls (Liv. xxxix. 14). Hence too the curule aedileship was opened in the year after its institution to the plebeians (Liv. vii. 1); but by a curious provision it was arranged that the office should be held, not by a patrician and a plebeian as colleagues, but by two patricians and two plebeians alternately. This arrangement lasted till B.C. 91, when the plebeian M. Marcellus appears in the place of a patrician (Mommsen, *Röm. Forsch.* i. 97–102), and after that date it was entirely abandoned.* The reason for it seems to lie in the fact that the curule aediles were jointly responsible for the cost of the games, and this might more probably have led to discord if the colleagues had belonged to different orders (Mommsen, *Staatsr.* ii. 488). The curule aediles were distinguished by the bordered robe (*toga praetexta*) and the use of the *sella curulis*, which we find figured on their coins, while the plebeian aediles wore only the ordinary toga, and their official seat was the *subsellium* or *bisellium*. The former were elected in the comitia tributa, under the presidency of a magistrate *cum imperio*, usually the consul, and had from the first the *auspicia minora*, which were only conferred on the latter at a later date (before B.C. 340, when we find *aediles plebis vitio creati*, Liv. xxx. 39).

Cicero (*de Leg.* iii. 3, 7) defines the aediles as *curatores urbis, annonae, ludorumque sollemnium*. We may arrange their functions under these three heads:—

1. *Cura urbis* (including the district within a mile of the town: cf. Lex Jul. Mun. l. 69): *i.e.* the superintendence of the repair and cleansing of the roads and streets, of the public baths, fountains and aqueducts, of eating-houses and brothels; the aediles also took care that the streets were not encumbered by goods offered for sale, or by the deposit of rubbish, by funerals or carriage traffic (which was strictly limited and regulated: Lex Jul. Mun. l. 58 f.), nor encroached upon by private buildings. Further, they had a general control in matters of police. We find them either inflicting fines themselves or acting as prosecutors before the comitia tributa in cases of witchcraft (Plin. *H. N.* xviii. § 42), *stuprum* (Val. Max. vi. 1, 7; Liv. viii. 22; Plut. *Marcell.* 2), fraud on the part of the *pecuarii* (Liv. x. 23, 47, &c.), insolent language (Gell. x. 6), stone-throwing from a window (Gell. iv. 14), usury (Liv. vii. 28; x. 23; xxxv. 41, &c.), and the like. The fines so inflicted were spent upon public buildings and works of general utility; but more important works, for which the treasury paid, were in charge of the censors. In many respects the police functions of the aediles appear to supplement those of the censors, especially during the period when the censors were not in office, but their action was doubtless more strictly limited to the punishment of offences against positive law (Lange, p. 729). Their control of public buildings does not appear to have extended beyond a general supervision of their condition and proper use; the charge of building and repairs lay rather with the censors or their special commisioners (*Vviri muris turribusque reficiendis, IIIviri reficiendis aedibus:* Liv. xxv. 7; xlii. 6).

2. *Cura annonae.* This is properly only one aspect of the general charge of the market, which was so important a part of the duty of the aediles that it gave them the name by which they are called in Greek writers, *ἀγορανόμοι* (Dionys. vi. 90). As it was their duty to superintend trade of all kinds, especially in cattle and slaves, to look after the quality of the goods exposed for sale (Plaut. *Rud.* 374), to destroy unjust weights and measures (Juv. x. 100; Pers. i. 129), and to put down usury (Plin. *H. N.* xxxiii. § 19; Liv. x. 23, &c.), so it was especially incumbent upon them to provide for a proper supply of corn, partly by punishing *dardanarii* (forestallers, and regraters), and partly by purchasing themselves and supplying it at a low rate (Liv. x. 11: cf. xxx. 26; xxxi. 4, 50; xxxiii. 42).

3. *Cura ludorum.* This must be distinguished from the general police control of the popular amusements, exercised for instance when the aediles prohibited the people from pelting an unpopular man, who was giving a show of gladiators, with anything but fruit (Macrob. ii. 6, 1). It must be distinguished also from the *presidency* of the games, which was held by a consul or praetor. The aediles had only to organise the games. This was done nominally at the expense of the state. Up to the time of the First Punic War, 500,000 asses were annually allowed for this (Dionys. vii. 71), besides an extra allowance for any official festivals (Liv. xxii. 10; xxxi. 9, &c.). But these sums by no means sufficed to defray the expenses, especially under the later republic, when the aediles were expected to spend largely from their own resources, so that the office became exceedingly burdensome. Milo and Scaurus especially are noted as having spent large fortunes on their aedileships (Ascon. *Scaur.* p. 18; *Mil.* p. 32, Orell.). Cicero kept within moderate limits (*de Off.* ii. 17, 59), but as a rule an aedile who did so lost all chance of election to higher office (*pro Mur.* 19, 40), and Sulla failed as a candidate for the praetorship because he had not been aedile, and given the splendid shows which the people expected of him (Plut. *Sull.* 5). It was a common custom, though forbidden by law (Liv. xl. 44), for the aediles to receive much

* Livy's phrase in vii. 1, "postea promiscuum fuit," is misleading, as is seen from his own account.

assistance, nominally by way of loan, from the provinces in decorating the forum, theatre, and circus with statues and other works of art (*ad Att.* v. 21, vi. 1; *Verr.* iv. 59, 133; *ad Qu. fr.* i. 1, 9, &c.; Plin. *H. N.* xxxv. § 173). The aediles had to provide the general decorations and costumes, to organise the processions and the games, to arrange the seats and preserve order; when plays were given, they selected the piece, and could and had also the power of chastising the actors (Liv. xxxiv. 44; Plaut. *Truc.* 990; Tac. *Ann.* i. 70, &c.).

Lange (p. 725) has well shown that the *cura ludorum*, like most of the functions of the aediles, arose from their general character as acting under commissions from the superior magistrates. The *ludi Romani* and *Megalenses* were always in charge of the curule, the *ludi plebeii* in that of the plebeian aediles; other games, such as the *Cerealia* and *Floralia*, were superintended by either without distinction, sometimes acting singly, but more commonly as a college.

III. AEDILES CEREALES. In B.C. 44 Julius Caesar added two aediles, with special charge of the *annona* and the *ludi Cereales* (Dig. 1, 2, 2, § 34; cf. Suet. *Caes.* 41). These continued under the empire, and are mentioned in inscriptions and on coins.

IV. But the functions of the aediles were greatly restricted by Augustus and his successors; their powers were gradually diminished, and their functions exercised by new officers created by the emperors. After the battle of Actium, Augustus appointed a praefectus urbi, who exercised the general police, which had formerly been one of the duties of the aediles. Their right of jurisdiction was further transferred to the praetor (Dio Cass. liii. 2), who also assumed henceforth the superintendence of the games (Dio Cass. liv. 2; Tac. *Ann.* i. 15; Plin. *Ep.* vii. 14, 4). Augustus also took from the aediles, or exercised himself, the office of superintending the religious rites, the banishing from the city of all foreign ceremonials, and the superintendance of the temples. Hence no one was willing to hold so contemptible an office, and Augustus was therefore reduced to the necessity of compelling persons to take it: persons were accordingly chosen by lot, out of those who had served the office of quaestor and tribune; and this was one more than once (Dio Cass. lv. 24). The last recorded instance of the splendours of the aedileship is the administration of Agrippa, who volunteered to take the office, and repaired all the public buildings and all the roads at his own expense, without drawing anything from the treasury. (Dio Cass. xlix. 43; Plin. *H. N.* xxxvi. § 122.) The aedileship had, however, lost its true character before this time. Agrippa had already been consul before he accepted the office of aedile. Augustus appointed the curule aediles specially to the office of putting out fires, and allowed a body of 600 slaves at their command; but the praefecti vigilum afterwards performed this duty (Dio Cass. lv. 21). In like manner the *curatores viarum* were appointed by him to superintend the roads near the city, and the quatuorviri to superintend those within Rome. The *curatores operum publicorum* and the *curatores aquae Tiberis*, also appointed by Augustus, stripped the aediles of the remaining few duties that might be called honourable. They lost also the superintendence of wells or springs, and of the aqueducts. [AQUAEDUCTUS.] They retained, under the early emperors, the superintendence of the markets, the duty of repressing open licentiousness and disorder: thus the baths, eating-houses, and brothels were still subject to their inspection, and the registration of prostitutes was still within their duties (Tac. *Ann.* ii. 85). We read of the aediles under Augustus making search after libellous books, in order that they might be burnt; and also under Tiberius (Tac. *Ann.* iv. 35).

The last mention of aediles is under Gordian III. (A.D. 238–244): cf. Orell. *Inscript.* 977.

The history, powers, and duties of the aediles are stated with great minuteness by Schubert, *De Romanorum Aedilibus*, lib. iv. Regimontii, 1828. See Hofmann, *De Aedilibus Romanorum*, Berlin, 1842; cf. Rein in Pauly's *Realenkykl.* vol. i. p. 208 ff.; Lange, *Röm. Alt.* i.² 715–735; Mommsen, *Staatsr.* ii. 443–491. Full details as to their municipal duties are given in the Lex Julia Municipalis on the *Tabula Heracleensis* (*C. I. L.* i. p. 122), with the commentary of Dirksen, *Civil. Abh.* Berlin, 1820. [G. L.] [A. S. W.]

AEDIT'UI (*νεωκόροι, ζάκοροι, ἱεροφύλακες*), more anciently called AEDITUMI or AEDITIMI (Varr. *R. R.* i. 2, § 1; *L. L.* vii. 12, viii. 61; Gell. xii. 10, § 4: *aedituentes*, Lucr. vi. 1275; Gell. xii. 10, § 8), persons who took care of the temples, and attended to the cleaning of them. Notwithstanding this menial service, they partook of the priestly character, and are sometimes even called priests by the Greek grammarians. (Suid., Hesych., *Etym. M.* s. v. *ζάκορος*; Pollux, i. 14.) In many cases they were women, as Timo in Herodotus (vi. 134), who also speaks of her as *ὑποζάκορος*, from which it is clear that in some places several of these priests must have been attached to one and the same temple, and that they differed among themselves in rank. Subsequently the menial services connected with the office of the *Neocori* were left to slaves, and the latter became a title given to priestly officers of high rank, of whom an account is given in a separate article. [NEOCORI.] The aeditui lived in the temples, or near them, and acted as ciceroni to those persons who wished to see them. (Plaut. *Curc.* i. 3, 48; Cic. *Verr.* iv. 44, 96; Liv. xxx. 17; Schol. *ad* Hor. *Ep.* ii. 1, 230; Suet. *Dom.* 1.) They seem also to have had the administration of the property of the temple, and were anciently held in great honour (Serv. *ad* Verg. *Aen.* ix. 648). They were probably the same as the *curatores templi*, frequently mentioned in inscriptions (Orelli, *Inscr.* 220, 6: cf. Paul. Diac. *s. v.*; Varr. *L. L.* vii. 12; Cic. *de Har. Resp.* 14, 31). [W. S.]

AEGINETA'RUM FE'RIAE (*Αἰγινητῶν ἑορτή*), a festival in honour of Poseidon, which lasted sixteen days, during which time every family took its meals quietly and alone, no slave being allowed to wait, and no stranger invited to partake of them. From the circumstance of each family being closely confined to itself, those who solemnised this festival were called *μονοφάγοι*. Plutarch (*Quaest. Graec.* 44) traces its origin to the Trojan war, and says that, as many of the Aeginetans had lost their lives, partly in the siege of Troy and partly on their return home, those who reached their native island were received indeed with joy by their kinsmen; but,

in order to avoid hurting the feelings of those families who had to lament the loss of their friends, they thought it proper neither to show their joy nor to offer any sacrifices in public. Every family, therefore, entertained privately their friends who had returned, and acted themselves as attendants, though not without rejoicings. [L. S.]

AEGIS (*αἰγίς*), the shield of Zeus. The origin of the word appears to have been confused by the ancients themselves; in the Homeric sense it is probably from the root of *ἀΐσσω*, to move violently, but it was early taken to come from *αἴξ* (Herod. iv. 189). According to the mythologers, the aegis worn by Zeus was the hide of the goat Amaltheia, which had suckled him in his infancy. Hyginus relates (*Astron. Poet.* 13) that, when he was preparing to resist the Titans, he was directed, if he wished to conquer, to wear a goat-skin with the head of the Gorgon. To this particular goat-skin the term aegis was afterwards confined. Homer always represents it as part of the armour of Zeus, whom on this account he distinguishes by the epithet *aegis-bearing* (*αἰγίοχος*). He, however, asserts that it was borrowed on different occasions both by Apollo (*Il.* xv. 229, 307–318, 360, xxiv. 20), and by Athena (*Il.* ii. 447–449, xviii. 204, xxi. 400).

The skins of various quadrupeds having been used by the most ancient inhabitants of Greece for clothing and defence, we cannot wonder that the goat-skin was employed in the same manner. It must also be borne in mind that the heavy

Aegis worn by Athena.
From Museum at Naples.

shields of the ancient Greeks were in part supported by a belt or strap (*τελαμών, balteus*) passing over the right shoulder, and, when not elevated with the shield, descending transversely to the left hip. In order that a goat-skin might serve this purpose, two of its legs would probably be tied over the right shoulder of the wearer, the other extremity being fastened to the inside of the shield. In combat the left arm would be passed under the hide, and would raise it together with the shield, as is shown in a marble statue

of Athena, preserved in the Museum at Naples, which, from its style of art, may be reckoned among the most ancient in existence.

Other statues of Athena represent her in a state of repose, and with the goat-skin falling obliquely from its loose fastening over her right shoulder, so as to pass round the body under the left arm. It thus appears in the left-hand figure below, from a statue of Athena at Dresden

Aegis worn by Athena.
From Torso at Dresden. From Statue at Florence.

Another mode of wearing this garment, also o peaceful expression, is seen in another statue o Athena at Dresden, of still higher antiquity than that last referred to, and in the very ancient image of the same goddess from the temple of Zeus at Aegina. In both of these the aegis covers the right as well as the left shoulder, the breast, and the back, falling behind so as almost to reach the feet. Schorn (*in Böttiger's Amalthea*, ii. 215) considers this as the origina form of the aegis.

By a figure of speech, Homer uses the ter aegis to denote not only the goat-skin, which properly signified, but together with it t shield to which it belonged. By thus understanding the word, it is easy to comprehend both why Athena is said to throw her father's aegis round her shoulders (*Il.* v. 738, xviii. 204), and why on one occasion Apollo is said to hold it in his hand and to shake it so as to terrify and confound the Greeks (*Il.* xv. 229, 307–321) and on another occasion to cover with it the dead body of Hector in order to protect it from insult (xxiv. 20). In these passages we must suppose the aegis to mean the shield, together with the large expanded skin or belt by which it was suspended from the right shoulder.

As the Greeks prided themselves greatly the rich and splendid ornaments of their shi they supposed the aegis to be adorned in a corresponding to the might and majesty of father of the gods. In the middle of it fixed the appalling Gorgon's head (*Il.* v. 7 and its border was surrounded with go tassels (*θύσανοι*), each of which was wort

ecatomb (ii. 446–449). In the figures given bove and below, the serpents of the Gorgon's ead are transferred to the border of the skin.

By the later poets and artists, the original nception of the aegis appears to have been for- otten or disregarded. They represent it as a reast-plate covered with metal in the form of ales, not used to support the shield, but ex- nding equally on both sides from shoulder to oulder; as in the right-hand figure in the pre- ding column, from a statue at Florence.

The Roman poets sometimes regard it as a eld and sometimes as a breast-plate. Thus it represented as the shield of Jupiter (Verg. n. viii. 354; Sil. xii. 720), and as the shield Pallas or Minerva ("protegit aegide fratrem," . *Met.* v. 46; "contra sonantem Palladis ida," Hor. *Carm.* iii. 4, 57); but it more fre- ntly appears as the breast-plate of Minerva h the Gorgon's head in the centre ("positam ectore aegida," Ov. *Met.* ii. 754; Verg. *Aen.* . 435–438; on which Servius says, "muni- tum pectoris aereum, habens in medio Gor- is caput;" Sil. ix. 442, 443; Val. Flacc. vi.).

It is remarkable that, although the aegis pro- rly belonged to Zeus, yet we seldom find it as attribute of Zeus in works of art. There is, wever, in the Museum at Leyden, a marble tue of Zeus, found at Utica, in which the gis hangs over his left shoulder. The annexed

Zeus with the Aegis on the left arm.
From an ancient cameo.

ure is taken from an ancient cameo. Zeus is e represented with the aegis wrapped round fore part of his left arm. The shield is ed underneath it, at his feet.

he Roman emperors also assumed the aegis, nding thereby to exhibit themselves in the racter of Jupiter. Of this the armed statue Hadrian in the British Museum presents an mple. In these cases the more recent Roman ception of the aegis is of course followed, ciding with the remark of Servius (*Aen.* viii.), that this breast-armour was called aegis n worn by a god; *lorica*, when worn by a (Comp. Mart. vii. 1.) [J. Y.] [W. W.]

AEINAUTAE (ἀειναῦται), magistrates at Miletus, consisting of the chief men in the state, who obtained the supreme power on the deposition of the tyrants, Thoas and Damasenor. Whenever they wished to deliberate on important matters, they embarked on board ship (hence their name), put out at a distance from land, and did not return to shore till they had transacted their business. (Plut. *Quaest. Graec.* 32.) [W. S.]

AEIPHY'GIA (ἀειφυγία). [EXSILIUM.]

AEISITI (ἀείσιτοι). [PRYTANEIUM.]

AENEATO'RES (ahenatores, Amm. Marc. xxiv. 4) were those who blew upon wind instruments in the Roman army, namely, the *bucinatores*, *cornicines*, *tubicines*, *liticines*, and they were so called because all these instruments were made of *aes* or bronze. (Paul. Diac. p. 20, Müll.; Mommsen, *I. R.* No. 4232; Suet. *Caes.* 32.) Aeneatores were also employed in the public games. (Sen. *Ep.* 84.) A *collegium aeneatorum* is mentioned in inscriptions. (Orelli, *Inscr.* No. 4059.) [W. S.]

AENIGMA (αἴνιγμα), a riddle. It appears to have been a very ancient custom among the Greeks, especially at their symposia, to amuse themselves by proposing riddles to be solved. Their partiality for this sort of amusement is attested by the fact that some persons, such as Theodectes of Phaselis and Aristonymus, acquired considerable reputation as inventors and writers of riddles. (Athen. x. pp. 451, 452; xii. p. 538.) Those who were successful in solving the riddle proposed to them received a prize, which had been previously agreed upon by the company, and usually consisted of wreaths, taeniae, cakes, and other sweetmeats, or kisses, whereas a person unable to solve a riddle was condemned to drink in one breath a certain quantity of wine, sometimes mixed with salt water. (Athen. x. p. 457; Pollux, vi. 107; Hesych. *s. v.* γρῖφος.) Those riddles which have come down to us are mostly in hexameter verse, and the tragic as well as comic writers not unfrequently introduced them into their plays. Pollux (*l. c.*) distinguishes two kinds of riddles, the αἴνιγμα and γρῖφος, and, according to him, the former was of a jocose and the latter of a serious nature; but in the writers whose works have come down to us, no such distinction is observed; and there are passages where the name γρῖφος is given to the most ludicrous jokes of this kind. (Aristoph. *Vesp.* 20; Becker-Göll, *Charikles*, ii. p. 363; K. F. Hermann, *Gottesdienstl. Alt.* § 62, 29.) The Romans seem to have been too serious to find any great amusement in riddles; and when Gellius (xviii. 2) introduces some Romans at a banquet engaged in solving riddles, we must remember that the scene is laid at Athens; and we do not hear of any Romans who invented or wrote riddles until a very late period. Apuleius wrote a work entitled *Liber Ludicrorum et Griphorum*, which is lost. After the time of Apuleius, several collections of riddles were made, some of which are still extant in MS. in various libraries. [L. S.]

AE'NUM, or **AHE'NUM** (sc. *vas*), a brazen vessel, used for boiling, is defined by Paullus to be a vessel hanging over the fire, in which water was boiled for drinking, whereas food was boiled in the *caccabus* or saucepan [CACCABUS]. (Dig. 33, tit. 7, s. 18, § 3.) This distinction is not,

however, always observed; for we read of food being cooked in the *aënum*. (Juv. xv. 81; Ov. *Met.* vi. 645.) The word is also frequently used in the sense of a dyer's copper; and, as purple was the most celebrated dye of antiquity, we find the expressions *Sidonium aënum*, *Tyrium aënum*, &c. (Ov. *Fast.* iii. 822; Mart. xiv. 133.) The coppers which contained the water for supplying a bath were also called *aëna*. (Vitruv. v. 10, 1.) [BALNEAE.]

Aenum, or brazen vessel used for boiling.

[W.S.] [W.W.]

AEO'RA, or **EO'RA** (*αἰώρα*, *ἑώρα*). **1.** A festival at Athens, accompanied with sacrifices and banquets, whence it is sometimes called *εὐδειπνος*. The common account of its origin is as follows:—Icarius was killed by the shepherds to whom he had given wine, and who, being unacquainted with the effects of this beverage, fancied in their intoxication that he had given them poison. Erigone, his daughter, guided by a faithful dog, discovered the corpse of her father, whom she had sought a long time in vain; and, praying to the gods that all Athenian maidens might perish in the same manner, hung herself. After this occurrence, many Athenian women actually hung themselves, apparently without any motive whatever; and when the oracle was consulted respecting it, the answer was that Icarius and Erigone must be propitiated by a festival (Hygin. *Poet. Astron.* ii. 4). According to the *Etymologicum Magnum*, the festival was celebrated in honour of Erigone, daughter of Aegisthus and Clytaemnestra, who came to Athens to bring the charge of matricide against Orestes before the Areiopagus; and, when he was acquitted, hung herself, with the same wish as the daughter of Icarius, and with the same consequences. According to Hesychius, the festival was celebrated in commemoration of the tyrant Temaleus, but no reason is assigned. Eustathius (*ad* Hom. pp. 339, 1535) calls the maiden who hung herself Aiora. But as the festival is also called Ἀλῆτις (apparently from the wanderings of Erigone, the daughter of Icarius), the legend which was first mentioned seems to be the most entitled to belief. Pollux (iv. 7, § 55) mentions a song made by Theodorus of Colophon, which persons used to sing whilst swinging themselves (*ἐν ταῖς αἰώραις*). It is, therefore, probable that the Athenian maidens, in remembrance of Erigone and the other Athenian women who had hung themselves, swung themselves during this festival, at the same time singing the above-mentioned song of Theodorus. (See Athen. xiv. p. 618; Schömann, *Griech. Alterth.* vol. ii. p. 434.) [L. S.]

2. A swing, which formed a favourite amusement in Greece, as in England at the present day (cf. Suidas, *s. v.*; Zonaras, *s. v.*; Pausan. x. 29. The following cut shows a group swinging one another. [J. H. O.]

Aeora, or Swing, from Panofka.

AEQUIPON'DIUM. [LIBRA; TRUTINA.]

AERA. [CHRONOLOGIA.]

AERA'RII, a class of Roman citizens, excluded from the tribes, and liable to pay a poll tax, at the discretion of the censors. They consisted of three classes:—

1. *Municipes sine suffragio.* These were the inhabitants of conquered towns, which had been deprived of their local self-government. The citizens obtained the *conubium* and *commercium*, but no political rights. As Caere was the first *municipium sine suffragio* (about B.C. 353), the lists of the burghers of Caere were called *tabulae Caeritum;* and this came to be a general name for the lists of the citizens who held only this inferior franchise. Hence *tabulas Caeritum referri* came to be equivalent to *aerarium fieri* (Ps. Ascon. on Cic. *Div. in C.* 3, p. 103 Orell.; Schol. Cruq. on Hor. *Ep.* i. 62; Gell. xvi. 13, § 7; Cic. *pro Cluent.* 43, 120; cf. Madv. *Opusc.* i. 233; Mommsen, *Röm. Tr.* 160 f.).

2. *Infames*, i.e. those who had incurred the *infamia*, by (1) some dishonouring *act*, such as bigamy; (2) a dishonouring *profession*, such as that of *leno*, actor, gladiator; (3) a *judicium turpe*, such as condemnation in a prosecution for *furtum*, *injuria*, *dolus*, or in a *judicium* for *pro socio*, or *mandati* (cf. Lex Jul. municip. 110–125: Cic. *Cluent.* 42, 119; *Caec.* 3, 8; *Pro Com.* 6, 16; *de Orat.* i. 36, 166, &c.).

3. Those visited by the severest *nota censoria*, who were said to be *tribu moti et aerarii facti* (Liv. iv. 24; xxiv. 18, 43; xlii. 10; xliv. 16; xlv. 15).

All these three classes were *aerarii*, as they had to pay protection-money (*aes*); their exclusion from the tribes and the centuries involved the loss of the suffrage, and doubtless also (though this has been denied) the *honorum*. The only instance of a magistracy held by an aerarius is to be regarded as the result of an amnesty passed by the supreme authority of the people. The *infames* were also excluded from military service (Liv. vii. 2; Max. ii. 4, 4), and could not rise above the rank of *aerarii*: the *municipes sine suffragio* served in the legions, or formed a special corps (the *Campana*), and ceased to be *aerarii* when

attained the full franchise, as all the Italians did by the *leges Julia* and *Plautia Papiria* (q. v.). Those *notati* by the censors generally had more burdensome conditions of service (Liv. xxiv. 18), but the *nota* could be removed by succeeding censors.

The origin of the class of *aerarii* is a much disputed question, the ancient authorities only referring to the class as existing. Mommsen (*Hist.* i. 101; cf. *Forsch.* i. 389) and Lange (*Röm. Alt.* i. 406) held that they were originally resident aliens (*metoeci*) holding no freeholds, and therefore not included in the tribes. Niebuhr (*Hist.* i. 472) held that they consisted of artisans and freedmen, a view not widely differing from that of Mommsen in practice, though based upon a different idea. Madvig (*Verf.* i. 122) maintains that they were only a class of degraded citizens, not including either the *cives sine suffragio* or the artisans, who would be classed according to their property. Willems (*Droit Romain*, p. 97, note 4), following Göttling, argues that these could not have been citizens in any sense, and that the class cannot be traced back as far as Servius Tullius, but probably grew up by degrees. The first view is perhaps the most correct. (Comp. Zonaras, vii. 9; Huschke, *Verfassung des Serv. Tull.* p. 494, &c.; Göttling, *Gesch. der Röm. Staatsverf.* p. 260, &c.; Becker, *Handbuch der Röm. Alterth.* vol. ii. pp. 183–196; Lange, *Röm. Alt.* i. pp. 408–9, 678–9.) [A. S. W.]

AERA'RII TRIBU'NI. [AES EQUESTRE; TRIBUNI.]

AERA'RIUM (τὸ δημόσιον), the public treasury at Rome. After the banishment of the kings the temple of Saturn and Ops was employed, upon the proposition of Valerius Poplicola, as the place for keeping the public money, and it continued to be so used till the later times of the empire. (Plut. *Popl.* 12, *Quaest. Rom.* 42; Festus, *s. v. Aerarium*; Serv. *on Aen.* viii. 322.*) Besides the public money and the accounts connected with its receipts, expenditure, and debtors, various other things were preserved in the treasury. Of these the most important were:—1. The standards of the legions (*Liv.* iii. 69, iv. 22, vii. 23). 2. The various laws passed from time to time, engraven on brazen tables (Suet. *Caes.* 28). 3. The decrees of the senate, which were entered there in books kept for the purpose, though the original documents were preserved in the temple of Ceres under the custody of the aediles. (Joseph. *Ant.* 10, § 10; Plut. *Cat. Min.* 17; Tac. *Ann.* iii. 51.) s.] 4. Various other public documents, rts and despatches of all generals and 's of provinces, the names of all foreign lors that came to Rome [LEGATUS], &c. *rarium* was the common treasury of the l is sometimes spoken of as the *publicum*. ii. 5, 1; 16, 7; 42, 2). Niebuhr's t the *publicum* was the treasury of the or patricians (*Hist.* ii. notes 386, 954) eous, and has been disproved, among others, by Schwegler, *Gesch.* ii. 286. Under the republic the aerarium was divided into two parts: the *common* treasury, in which were deposited the regular taxes [TRIBUTUM; VECTIGALIA], and from which were taken the sums of money needed for the ordinary expenditure of the state; and the *sacred* treasury (*aerarium sanctum* or *sanctius*, Liv. xxvii. 10; Flor. iv. 2; Caes. *B. C.* i. 14; Cic. *ad Att.* vii. 21), which was never touched except in cases of extreme peril. Both of these treasuries were in the temple of Saturn, but in distinct parts of the temple. The sacred treasury seems to have been first established soon after the capture of Rome by the Gauls, in order that the state might always have money in the treasury to meet the danger which was ever most dreaded by the Romans—a war with the Gauls. (Appian, *B. C.* ii. 41.) At first, probably part of the plunder which the Romans gained in their wars with their neighbours was paid into this sacred treasury; but a regular means for augmenting it was established in B.C. 357 by the Lex Manlia, which enacted that a tax of five per cent. (*vicesima*) upon the value of every manumitted slave should be paid into this treasury. This money was kept in the treasury in bars of gold: hence Livy speaks of *aurum vicesimarium* (Liv. vii. 16, xxvii. 10, 11; comp. Cic. *ad Att.* ii. 16). A portion of the immense wealth obtained by the Romans in their conquests in the East was likewise deposited in the sacred treasury; and though we cannot suppose that it was spared in the civil wars between Marius and Sulla, yet Julius Caesar, when he appropriated it to his own use on the breaking out of the second civil war, B.C. 49, still found in it enormous sums of money. (Plin. *H. N.* xxxiii. §§ 55, 56; Dio Cass. xli. 17; Oros. vi. 15; Lucan, iii. 155.) Quintilian (x. 3, § 3) speaks of it, in a metaphor, as still remembered, if not actually existing.

Upon the establishment of the imperial power under Augustus there was an important change made in the public income and expenditure. He divided the provinces and the administration of the government between the senate, as the representative of the old Roman people, and the Caesar: all the property of the former continued to be called *aerarium*, and that of the latter received the name of *fiscus* [FISCUS]. The *aerarium* consequently received all the taxes from the provinces belonging to the senate, and likewise most of the taxes which had formerly been levied in Italy itself, such as the revenues of all public lands still remaining in Italy, the tax on manumissions, the custom-duties, the water-rates for the use of the water brought into the city by the aqueducts, the sewer-rates, &c.

Besides the *aerarium* and the *fiscus*, Augustus established a third treasury, to provide for the pensions due to veterans on their discharge, and this received the name of *aerarium militare*. It was founded in the consulship of M. Aemilius Lepidus and L. Arruntius, A.D. 6. Augustus paid a very large sum into the treasury upon its foundation, and promised to do so every year. In the *Monumentum Ancyranum* (iii. 35–39), Augustus says that he paid into the treasury in the consulship of Aemilius and Arruntius 170 millions of sesterces; it has been suggested that this sum is probably the entire amount which he

emains of this temple are now recognised ubt in the portico of eight Ionic columns on Capitolinus, not (as by Becker, *Röm. Alterth.* he three adjoining Corinthian columns (Dyer, *ogr.* ii. 781; Burn, *Rome and the Campagna*, re the two ruins are figured together).

contributed to it during his whole reign. As he reigned eight years and a half after the establishment of the treasury, he would in that case have contributed ten millions of sesterces every half year; but there is no authority for this view. He also imposed several new taxes to be paid into this aerarium. (Suet. *Aug.* 49; Dio Cass. lv. 23–25, 32; *Res Gestae D. Aug.* ed. Mommsen.) Of these the most important was the *vicesima hereditatum et legatorum*, a tax of five per cent., which had to be paid by every Roman citizen upon any inheritance or legacy being left to him, with the exception of such as were left to a citizen by his nearest relatives, or such as were below a certain amount. (Dio Cass. lv. 25, lvi. 28; Plin. *Paneg.* 37–40; Capitol. *M. Anton.* 11.) This tax was raised by Caracalla to ten per cent., but subsequently reduced by Macrinus to five (Dio Cass. lxxvii. 9, lxxviii. 12), and eventually abolished altogether. (Cod. vi. tit. 33, s. 3.) There was also paid into the aerarium militare a tax of one per cent. upon everything sold at auctions (*centesima rerum venalium*), reduced by Tiberius to half per cent. (*ducentesima*), and afterwards abolished by Caligula altogether for Italy (Tac. *Ann.* i. 78, ii. 42; Suet. *Cal.* 16); and likewise a tax upon every slave that was purchased, at first of two per cent. (*quinquagesima*), and afterwards of four per cent. (*quinta et vicesima*) of its value. (Dio Cass. lv. 31; Tac. *Ann.* xiii. 31; Orelli, *Inscr.* No. 3336.) Besides these taxes, no doubt the booty obtained in war and not distributed among the soldiers was also deposited in the military treasury.

The distinction between the aerarium and the fiscus continued to exist at least as late as the reign of M. Aurelius (τὸ βασιλικὸν καὶ τὸ δημόσιον, Dio Cass. lxxi. 33; Vulcat. Gallic. *Avid. Cass.* 7); but, as the emperor gradually concentrated the administration of the whole empire into his hands, the aerarium likewise became exclusively under his control, and this we find to have been the case even in the reign of M. Aurelius, when the distinction between the aerarium and the fiscus was still retained. (Dio Cass. lxxi. 33.) When the aerarium ceased to belong to the senate, this distinction between the aerarium and the fiscus naturally ceased also, as both of them were now the treasury of the Caesar; and accordingly later jurists used the words *aerarium* and *fiscus* indiscriminately, though properly speaking there was no treasury but that of the Caesar. The senate, however, still continued to possess the management of the municipal chest (*arca publica*) of the city. (Vopisc. *Aurelian.* 20.) The officers in charge are called in inscriptions *praefecti aerarii Saturni;* but the inscriptions which make mention of *quaestores aerarii Saturni*, who have been supposed to be their assistants under Hadrian and Severus (Gudius, *Ant. Inscr.* p. 125, n. 6, p. 131, n. 3; Gruter, p. 1027, n. 4), are of doubtful genuineness: the genuine inscriptions refer to the time of Claudius (Mommsen, *Staatsr.* ii. 525). These prefects had jurisdiction; and before their court in the temple of Saturn all informations were laid respecting property due to the aerarium and fiscus. (Plin. *Paneg.* 36; Dig. 49, tit. 14, ss. 13, 15.)

In the time of the republic, the entire management of the revenues of the state belonged to the senate; and under the superintendence and control of the senate the quaestors had the charge of the aerarium. [SENATUS; QUAESTOR.] With the exception of the consuls, who had the right of drawing from the treasury whatever sums they pleased, the quaestors had not the power to make payments to any one, even to a dictator, without a special order from the senate. (Polyb. vi. 12, 13; Liv. xxxviii. 55; Zonar. vii. 13.) In B.C. 45, when no quaestors were chosen, two prefects of the city had the custody of the aerarium (Dio Cass. xliii. 48); but it doubtless passed again into the hands of the quaestors, when they were elected again in the following year. In their hands it seems to have remained till B.C. 28, when Augustus deprived them of it and gave it to two prefects, whom he allowed the senate to choose from among the praetors at the end of their year of office; but as he suspected that this gave rise to canvassing, he enacted, in B.C. 23, that two of the praetors in office should have the charge of the aerarium by lot. (Suet. *Octav.* 36; Dio Cass. liii. 2, 32; Tac. *Ann.* xiii. 29.) They were called *praetores aerarii* (Tac. *Ann.* i. 75; Frontin. *de Aquaeduct.* 100), or *ad aerarium* (Orelli, *Inscr.* No. 723). This arrangement continued till the reign of Claudius, who restored to the quaestors the care of the aerarium, depriving them of certain other offices which they had received from Augustus (Tac. *Ann.* xiii. 29; Suet. *Claud.* 24; Dio Cass. lx. 24); but as their age seemed too young for so grave a trust, Nero took it from them and gave it to those who had been praetors or consuls, and who received the title of *praefecti aerarii*. (Tac. *Ann.* xiii. 28, 29.) In the time of Vespasian we read of *praetores aerarii* (Tac. *Hist.* iv. 9); but in the reign of Trajan, if not before, it was again entrusted to praefects, who appear to have held their office for two years; and henceforth no further change seems to have been made. (Plin. *Paneg.* 91, 92, *Ep.* x. 20; Suet. *Claud.* 24.)

The *aerarium militare* was under the care of distinct praefects, who were first appointed by lot from among those who had filled the office of praetor, but were afterwards nominated by the emperor. (Dio Cass. lv. 25; comp. Tac. *Ann.* v. 8.) They frequently occur in inscriptions under the title of *praefecti aerarii militaris*, e.g. Wilmanns, 1144, 1202, 1214, 1720, &c.; Walter, *Geschichte des Römischen Rechts*, §§ 58, 179, 329, 405, 3rd edition, Bonn, 1860; Marquardt, *Staatsverwaltung*, ii. 293–305; Lipsius, *ad* Tac. *Ann.* xiii. 29. [W. S.] [A. S. W.]

AERO, a basket made of osiers, ru[sh] sedge (Donat. *ad* Ter. *Phorm.* i. 2, 72; v. 12), and used to contain sand (Pli[n.] xxvi. § 96), or wheat (Dig. 19, 2, 31 identifies as *aerones* large baskets, s[o] wider at the top than the bottom, ca[rried] soldiers employed on excavations, &c., bas-reliefs of Trajan's column. [J.]

AES (χαλκός). Much confusion ari[ses] the fact that both Greeks and Romans one term for copper and for that mi[xture] copper and tin which we call bronze. ing perhaps gold, copper is the easiest o[f] to find and fashion, being found in lu[mps] not, like iron, hidden in ore. Hesiod an[d] tius, and ancient writers generally, made of Bronze precede that of Iron, and t[he]

were right is abundantly proved by the excavations of modern times. There seems to have been a time immediately succeeding the Stone age when implements were beaten out of pure copper, but it did not last long; the custom of adding tin to copper was introduced, and from that time until the close of ancient history copper unmixed was seldom used for any purpose, various metals being added to it to increase its hardness. Bronze, containing about 12 to 14 per cent. of tin and 88 to 86 per cent. of copper, was used at a very early period in Egypt and Asia. The use of it was introduced into Greece in pre-historic times, probably by the Phoenicians. Tin is not found in Greece, and in fact exists but in few parts of Europe; the Phoenicians are supposed to have travelled in search of it as far as Cornwall and India. The likeness of the Greek word for tin (*κασσίτερος*) to the Sanskrit *kastira* seems to indicate that the original supply of Greek tin came from India. To account however for the enormous quantity of tin which in the Bronze age must have circulated through Europe is not easy.

In Homer's time bronze is the usual material for tripods, vessels, armour of defence, and even spears, though iron was beginning to be used for offensive weapons. It is probable that soon after the Homeric age weapons of bronze fell out of use. This compound however continued to be largely employed for utensils of all kinds, for works of art and other purposes. The interior of the treasuries of Mycenae and Orchomenus were lined with bronze; bronze was used in historical times for vessels, candelabra, chariots, for the inscribing of treaties and laws, for personal ornament, and in places for coin. Also all instruments used for religious purposes were made of bronze from motives of religious conservatism. The abundance of copper sufficiently accounts for its general use among the ancients. We have a remarkable result of this fact in the use of *χαλκεὺς* and *χαλκεύειν*, where working in iron is meant (Hom. *Od.* ix. 391; Aristot. *Poët.* 25). One of the chief sources of copper in antiquity was Cyprus; from the name of that island is derived the Low-Latin *cuprum*, and our word copper. The metal was also procured in Euboea, near the town of Chalcis, and in other parts of Greece; also in Campania in Italy, in Germany and elsewhere. But the most celebrated bronze did not come from those regions, but was an object of special manufacture elsewhere. Two of the most celebrated mixtures were the Delian (Plin. xxxiv. § 9) and the Corinthian (*l.* c. § 10), which were much used [illegible] we learn that Myron used the former and Polycleitus the latter. The Delian claimed the more precious of these, but more valuable was the *hepatizon* or liver-coloured bronze, and most valuable of all the Corinthian. With regard to the last-mentioned history was told that it was produced by a fortuitous concourse of melted metals on the occasion of the burning of Corinth by Mummius. Pliny (xxxiv. § 7) sensibly remarks that this is absurd, because most of the authors of highly valued works in Corinthian bronze lived a much earlier period. A large number of varieties of bronze of various colours were known to the ancients, and it seems that they obtained their statues by making them of a judicious mixture of sorts. Thus we hear of a bronze Jocasta which was pale, of an Athamas which was blushing (Plin. xxxiv. § 140), and of a Pallas with ruddy cheeks, made by Pheidias. Not only were the ancients clever at producing varieties in the metal, but they seem to have understood the art of hardening it by dipping in water and exposure to air. There is a passage even in Homer which is supposed to allude to this process (*Od.* ix. 391), and recent experiments have proved that this is a possibility, contrary to the usual opinion of metallurgists. The mixture of copper and zinc which we call brass was also known in antiquity, at all events in later Greek and Roman times. It is of this compound that Roman sestertii and dupondii were made, as has been proved by analysis. As Pliny (xxxiv. § 4) specially states that these were made of orichalcum, it seems that that term, which was in early times of quite vague meaning, was afterwards narrowed to the meaning *brass*. This is further shown by a passage in Cicero (*de Offic.* iii. 23, 92), who says that gold and orichalcum may be confused in consequence of their superficial resemblance.

The chief authority as regards the kinds and working of bronze is Pliny (*Hist. Nat.* xxxiv.). He distinguishes copper ore into two kinds: cadmea, found in Italy and Germany, and chalcitis, in Cyprus and elsewhere. Of Corinthian bronze (§ 8) he distinguishes three kinds; in the first silver predominates, in the second gold, in the third the metals are balanced and harmonized. Of Cyprian bronze (§ 94) the chief classes are *coronarium*, which is of golden hue when divided into thin layers, and *regulare*, which can be hammered and drawn out into bars and wires. A commoner kind of copper (not Cyprian), called *caldarium*, does not give to the hammer, and is only fit for melting. At Capua they added to copper to make bronze 10 per cent. of Spanish plumbum argentarium, which was made of tin and lead in equal proportions. Pliny states that copper was largely used in medicine (§ 100, foll.), being either mixed with milk or sulphur for external application to wounds, or taken internally, mixed with honey, in order to cause vomiting. For a mass of details of this character we must refer the reader to Pliny himself.

In all early bronze-work found in Greece and Etruria, the processes of manufacture are simple. The usual process for cups, utensils, and ornaments is working plates with the hammer into the required shape, fastening them together with nails or (sometimes) with solder, and beating up a pattern on them in *repoussé* work and finishing with a graving-tool. Small figures are sometimes cast in the lump, but nothing large. The hammering process was called by the Greeks *σφυρηλατεῖν*. The British Museum possesses the effigy of a deity thus worked in plates; similar was no doubt the bronze statue earliest erected at Rome, that dedicated by Sp. Cassius to Ceres. When we are told that the Greeks Rhoecus and Theodorus first cast in bronze (*Θεόδωρον καὶ Ῥοῖκον Σαμίους εἶναι τοὺς διαχέαντας χαλκὸν πρώτους*, Pausan. ix. 41, § 1), we must perhaps understand by this that these artists introduced the method of casting statues hollow, not solid, as their predecessors had done. These artists may have lived about the 60th

Olympiad, and certainly soon after that time bronze statuary spread with great rapidity over Greece; and indeed bronze continued a favourite material with sculptors until the decay of art. Of the formative process we have a vivid picture on a Greek vase of good period, engraved as the frontispiece to Mr. Murray's *History of Greek Sculpture*. The extraordinary abundance of works of art in bronze, found on almost all ancient sites, especially at Herculaneum and Pompeii, is a notable fact.

Copper as Coin.—In the coinage of the Greeks and Romans copper is seldom unalloyed. A number of analyses made of late years of Greek coins show a proportion of tin of from 10 to 16 per cent., and an occasional 2 to 5 per cent. of lead. Roman aes signatum in republican times shows a proportion of 5 to 8 per cent. of tin and 16 to 29 of lead. After the time of Augustus a change was introduced in the composition of Roman coin. Thenceforward sestertii and dupondii were made of brass, that is to say, of a mixture containing 20 per cent. of zinc and 80 of copper; while the asses were made entirely of copper. Money of copper and bronze stood on a very different footing in Italy to that on which it stood in Hellas and Asia. For in Western countries copper was the usual medium of exchange and measure of value; the chief currency consisted in early times of huge ingots of copper stamped with an official type; and when gold and silver came into use, they at first passed merely as the equivalents and representatives of so much copper. In the East, on the other hand, where gold and silver were the true media of exchange, and copper was used only for very small values, it was seldom minted save as money of account. [See NUMMUS.] The Ptolemies of Egypt minted copper pieces of full value; and Brandes (*Gewichtswesen*, p. 292) is disposed to think that the early Athenian and other copper money was minted up to full weight for a time. But this was exceptional; and in almost all Hellenic settlements copper money was a currency of tokens; and the weight of it is consequently most irregular. Copper money was first minted in Greece towards the end of the 5th century, at which period the cities of South Italy, Sicily, and Hellas alike began to strike copper pieces in place of the minute silver coins which had hitherto passed as small change. Conservatives objected to the innovation, as we know from Aristophanes (*Frogs*, v. 725). [CHALCUS.]

Since the most ancient coins in Rome and the old Italian states were made of aes, this name was given to money in general, so that Ulpian (Dig. 50, tit. 16, s. 159) says, *Etiam aureos nummos aes dicimus.* (Compare Hor. *Ars Poët.* 345; *Ep.* i. 7, 23.) For the same reason we have *aes alienum*, meaning debt, and *aera* in the plural, pay to the soldiers. (Liv. v. 4; Plin. *H. N.* xxxiv. § 1.) The Romans had no other coinage except copper, till B.C. 269, five years before the First Punic War, when silver was first coined; gold was not coined till sixty-two years after silver. (Plin. *H. N.* xxxiii. § 42, foll.) For this reason Argentinus, in the Italian mythology, was made the son of Aesculanus. (*Quia prius aerea pecunia in usu esse coepit, post argentea*: August. *Civ. Dei*, iv. 21.) For a further account of Roman copper money, see AS.

As to the relations in value of the three metals, gold, silver, and copper, see ARGENTUM.

For a fuller account of the use of bronze in antiquity the reader may consult: Re signol, *Les Métaux dans l'Antiquité*; Guillaume, *La Sculpture en Bronze*; J. Evans, *Ancient Bronze Implements.* The ancient testimonies as to gold, silver, and copper mines are collected by Sabatier, *Production de l'Or, de l'Argent et du Cuivre chez les Anciens* (1850). [P. G.]

AES CIRCUMFORA'NEUM, money borrowed from the Roman bankers (*argentarii*), who had shops in porticoes round the forum. (Cic. *ad Att.* ii. 1.) [ARGENTARII.] [W. S.]

AES CORIN'THIUM. [AES, p. 39, a.]

AES EQUESTRE, AES HORDEA'RIUM, and AES MILITA'RE, were the ancient terms for the pay of the Roman soldiers, before the regular *stipendium* was introduced. The *aes equestre* was the sum of money given for the purchase of the horse of an eques; the *aes hordearium*, the sum of money paid yearly for the keep of the horse of an eques—in other words, the pay of an eques; and the *aes militare*, the pay of a foot-soldier. (Gaius, iv. 27.)

The *aes equestre* was probably introduced in the Constitution of Servius Tullius, by way of compounding for the horse previously supplied at the public cost to the country. It amounted, according to Livy (i. 43), to 10,000 asses: according to the method probably followed in Livy's estimates [CENSUS], this sum represents 2000 libral asses, or pounds of copper. As each knight had two horses (Paul. p. 221)—one for himself, one for his attendant squire—this tallies with Varro's statement (*L. L.* viii. 71), *equitum publicum mille assarium esse.*

The *aes hordearium* was the money paid annually by the state for the purchase of corn (*hordeum*) for the *equi publici.* It was derived from the contributions of the *viduae et orbi*, i.e. the unmarried women (whether widows or not), orphans, and perhaps also childless old men, past the age for military service. The sum allowed to each knight was 2000 asses, *i.e.* 400 pounds of copper: the total amount paid to the 1800 knights was therefore 720,000 libral asses. There can be little doubt that this sum was levied upon the *viduae et orbi* in proportion to their rateable property, and paid into the *aerarium*, whence, like the *aes equestre*, it was distributed by the *tribuni aerarii* [q. v.]. But Gaius (iv. 27) and Gellius (vii. 10) expressly tell us that the knights had a right of distraint (*pignoris capio*) against the *tribuni* (or, as Gellius says, *is qui distribuebat*), and there is not, on the principles of Roman law to make it other this. The statement of Cicero that this tax was introduced by Tarquinius Priscus is only based upon the erroneous notion that borrowed from Corinth (*de Rep.* ii. 2; Lange, *Röm. Alt.* i. 474–478; Marquardt, *Staatsv.* ii. 90 ff. [W. S.] [A.]

AES GRAVE. This term was applied to the early Italian copper or bronze coinage, being heavy money, of intrinsic value, as mere money of account, like later Roman copper. [AS.]

AES MANUA'RIUM was the money used in playing with dice, *manibus collectum*, which was the throw in the game. All who threw certain numbers were obliged to put

piece of money; and whoever threw the Venus (the highest throw) won the whole sum, which was called the *aes manuarium*. (Gell. xviii. 13, § 4 · Suet. *Aug.* 71.) [W. S.]

AES MILITA'RE. [AES EQUESTRE.]

AES RUDE. The blocks of copper of rude square or oblong form, and roughly stamped with a type which preceded money in Italy. [As.] [P. G.]

AES UXO'RIUM, a tax paid by men who reached old age without having married. It was first imposed by the censors, M. Furius Camillus and M. Postumius, in B.C. 403, but we do not know whether it continued to be levied afterwards. (Festus, *s. v.*; Val. Max. ii. 9, §1; Plut. *Cam.* 2.) [LEX JULIA ET PAPIA POPPAEA.] [W. S.]

AESTIMA'TIO LITIS. [JUDEX.]

AESYMNE'TES (αἰσυμνήτης, from αἶσα, "a just portion," hence "a person who gives every one his just portion") originally signified merely a judge in the heroic games, but afterwards indicated an individual who was occasionally invested voluntarily by his fellow-citizens with unlimited power in a Greek state. His power, according to Aristotle, partook in some degree of the nature both of kingly and tyrannical authority; since he was appointed legally and ruled over willing subjects, but at the same time was not bound by any laws in his public administration. (Aristot. *Polit.* iii. 9, § 5, iv. 8, § 2; Hesych. *s. v.*) Hence Theophrastus calls the office τυραννὶς αἱρετή, and Dionysius (v. 73) compares it with the dictatorship at Rome. It was not hereditary; but it was sometimes held for life, and at other times only till some object was accomplished, such as the reconciling of the various factions in the state, and the like. We have only one express instance in which a person received the title of Aesymnetes, namely, that of Pittacus, in Mytilene, who was appointed to this dignity because the state had been long torn asunder by the various factions, and who succeeded in restoring peace and order by his wise regulations and laws. (Dionys. v. 73; Strab. xiii. p. 617; Plut. *Solon*, 4; Diog. Laërt. i. 75; Plehn, *Lesbiaca*, pp. 46, 48.) There were, however, no doubt many other persons who ruled under this title for a while in the various states of Greece, and those legislators bore a strong resemblance to the aesymnetes, whom their fellow-citizens appointed with supreme power to enact laws, as Dracon, Solon, Zaleucus, and Charondas. In some states, such as Cyme and Chalcedon, it was the title borne by the regular magistrates. (Wachsmuth, *Hellen. Alterthum.* i. pp. 423, 441, 2nd ed.; Tittmann, *Griech. Staatsv.* p. 76, &c.; Schömann, *Antiq. Jur. Publ. Graec.* p. 86; Hermann, *Staatsalterth.* § 63.) [W. S.]

AETAS. [INFANS; IMPUBES.]

AETNAEA (Αἴτναια), a festival celebrated in honour of Zeus Aetnaeus, so called from Mount Aetna, where a statue had been erected to him. No particulars of this festival are known. (Schol. *ad* Pind. *Ol.* vi. 162.) [L. S.]

AETO'LICUM FOEDUS (τὸ κοινὸν τῶν Αἰτωλῶν), a confederation of the Aetolian towns and tribes, which was afterwards joined by cities and cantons of Greece which did not belong to Aetolia proper. The league appears to have been formed shortly after the battle of Chaeroneia, in B.C. 338, to counteract the influence of Macedonia on the affairs of Greece. Its primary object therefore was the same as that of the later league of the Achaeans. It has been suggested by Schömann (*Griech. Alterth.* ii. p. 102) that there had existed from very early times a loose kind of confederacy among the Aetolians, the centre of which was the sanctuary of Apollo at Thermon. (Hom. *Il.* ii. 638; xiii. 217.) In the time of Thucydides (iii. 119) the several Aetolian tribes between the rivers Achelous and Evenus appear to have been quite independent of one another, although they were designated by the common name of Aetolians; but we nevertheless find that on certain occasions they acted in concert, as, for example, when they sent embassies to foreign powers, or when they had to ward off the attacks of a common enemy. (Thuc. *l. c.* iii. 95, &c.) It may therefore be admitted that there did not exist any regularly organised league among the tribes of Aetolia, and that it was only their common danger that made them act in concert; but such a state of things, at any rate, facilitated the formation of a league, when the time came at which it was needed. The league appears as a very powerful one very soon after the death of Alexander the Great, viz. during the Lamian war against Antipater. (Diod. xix. 66; xx. 99.) How far its organisation was then regulated is unknown, though a certain constitution must have existed as early as that time, since we find that Aristotle wrote a work on the Aetolian constitution. (Strab. vii. p. 321.) But it was certainly wanting in internal solidity, and not based upon any firm principles. In B.C. 204, two of the heads of the confederacy, Dorimachos and Scopas, were commissioned to regulate its constitution, and it was perhaps in consequence of their regulation, that a cancelling of debts was decreed two years later. (Polyb. xiii. 1, *Fragm. Hist.* 68.) The characteristic difference between the Aetolian and Achaean leagues, was that the former originally consisted of a confederacy of nations or tribes, while the latter was a confederacy of towns. Hence the ancient and great towns of the Aetolians, throughout the period of the league, are of no importance and exercise no influence whatever. Even Thermon, although it was the head of the league, and the place where the ordinary meetings of the confederates were held (Polyb. v. 8, xviii. 31, xxviii. 4; Strab. x. p. 463), did not serve as a fortress in times of war; and whenever the Aetolians were threatened by any danger, they preferred withdrawing to their impregnable mountains.

The sovereign power of the confederacy was vested in the general assemblies of all the confederates (κοινὸν τῶν Αἰτωλῶν, *concilium Aetolorum*), and this assembly unquestionably had the right to discuss all questions respecting peace and war, and to elect the great civil and military officers of the league. It is however clear that those assemblies could not be attended by all the Aetolians, for many of them were poor, and lived at a great distance, in addition to which the roads were much more impassable than in other parts of Greece. The constitution of the league was thus in theory a democracy, but under the cover of that name it was in reality an aristocracy, and the name *Panaetolicum*, which Livy (xxxi. 29) applies to the Aetolian assembly, must be understood ac-

cordingly as an assembly of the wealthiest and most influential persons, who occasionally passed the most arbitrary resolutions, and screened the maddest and most unlawful acts of the leading men under the fine name of a decree of all the Aetolians.

We have already mentioned that the ordinary place of meeting was at Thermon, but on extraordinary occasions assemblies were also held in other towns belonging to the league, though they were not situated in the country of Aetolia proper, *e.g.* at Heracleia (Liv. xxxiii. 3), Naupactus (xxxv. 12), Hypata (xxxvi. 2, 8), and Lamia (xxxv. 43, 44). The questions which were to be brought before the assembly were sometimes discussed previously by a committee, selected from the great mass, and called Apocleti (ἀπόκλητοι, Suid. *s. v.*; Liv. xxxvi. 28). Some writers believe that the Apocleti formed a permanent council, and that the thirty men sent out to negotiate with Antiochus were only a committee of the Apocleti. (Polyb. iv. 9, xx. 10, xxi. 3; Tittmann, *Griech. Staatsverf.* p. 727.)

The general assembly usually met in the autumn, when the officers of the league were elected. (Polyb. iv. 37.) The highest among them, as among those of the Achaean league, bore the title of στρατηγός, whose office lasted only for one year. The first whose name is known was Eurydamos, who commanded the Aetolians in the war against the Galatians. (Paus. x. 16, § 2.) The strategus had the right to convoke the assembly; he presided in it, introduced the subjects for deliberation, and levied the troops. (Liv. xxxviii. 4.) He had his share of the booty made in war, but was not allowed to vote in decisions upon peace or war. (Liv. xxxv. 25.) This was a wise precaution, as a sanguine strategus might easily have involved the league in wars which would have been ruinous to the nation. His name was signed to all public documents, treaties, and decrees of the general assembly. An exception occurs in the peace with the Romans, because they themselves dictated it and abandoned the usual form. (Polyb. xxii. 15.) Respecting the mode of election, we are told by Hesychius (*s. v.* κυάμῳ πατρίῳ), that it was decided by white and black beans, and not by voting, but by drawing lots. The authority on which the statement of Hesychius is based can be of no weight, and we must suppose that the election was made by voting (see Schömann, *Griech. Alt.* ii. p. 105).

The officers next in rank to the strategus were the hipparchus and the public scribe. (Polyb. xxii. 15; comp. Liv. xxxviii. 11.) We further hear of σύνεδροι, who act as arbiters (Böckh, *Corp. Inscr.* vol. ii. p. 633), and νομογράφοι, who however may have had no more to do with the making of laws than the Athenian nomothetae. (Böckh, *l. c.* pp. 857, 858.)

With the exception of the points above mentioned, the constitution of the Aetolian league is involved in great obscurity. There are, however, two things which appear to have had an injurious effect upon the confederacy: first, the circumstance that its members were scattered over a large tract of country, and that besides Aetolia proper and some neighbouring countries, such as Locris and Thessaly, it embraced towns in the heart of Peloponnesus, the island of Cephallenia in the west, and in the east the town of Cios on the Propontis; in the second place, many of the confederates had been forced to join the league, and were ready to abandon it again as soon as an opportunity offered. (Polyb. iv. 25; comp. xxii. 13, 15; Liv. xxxviii. 9, 11.) The towns which belonged to the league of course enjoyed isopolity; but, as it endeavoured to increase its strength in all possible ways, the Aetolians also formed connections of friendship and alliances with other states which did not join the league. (Polyb. ii. 46.) The political existence of the league was destroyed in B.C. 189 by the treaty with Rome, whereby they became subjects of Rome; and the treachery of the Roman party among the Aetolians themselves caused in B.C. 167 five hundred and fifty of the leading patriots to be put to death, and those who survived the massacre were carried to Rome as prisoners. (Liv. xlv. 31; Justin. xxxiii. 2.) An Aetolian, like an Achaean, league continued to exist under the Roman dominion as late as the time of Pausanias (x. 38), but it was without any political significance. (Comp. Tittmann, *Darstellung der Griech. Staatsverf.* p. 721, &c.; Lucas, *Ueber Polyb. Darstellung des Aetol. Bundes*, Königsberg, 1827, 4to; K. F. Hermann, *Griech. Staatsalterth.* § 183; Schorn, *Geschichte Griechenl.* p. 25, &c.; Brandstäter, *Die Gesch. des Aetol. Landes, Volkes und Bundes*, p. 298, &c.) [L. S.]

AETO'MA (ἀέτωμα). [FASTIGIUM.]

AFFI'NES, AFFI'NITAS, or ADFI'NES, ADFI'NITAS. Affinitas is the term used in Roman law to express the relationship of the husband to the *cognati* of his wife, and of wife to the *cognati* of her husband. The *cognati* of the husband and of the wife are not *affines* to one another.

Affinitas is created by and continues only during marriage, but its legal consequences may come into operation after the termination of the marriage on which it was founded. (Gaius, i. 63; *Frag. Vat.* § 303.)

By mere betrothal a relationship was created which is treated to some extent as equivalent to *affinitas*. It is sometimes described by that term. (Dig. 38, 10, 6, § 1.)

Although *affines* may be more or less nearly connected, they are not, like *cognati*, distinguished by degrees (*gradus*), but by particular terms.

The father of a husband is the *socer* of the husband's wife, and the father of a wife is the *socer* of the wife's husband; the term *socrus* expresses the same affinity with respect to the husband's and wife's mothers. A son's wife is *nurus* or daughter-in-law to the son's parents; a wife's husband is *gener* or son-in-law to the wife's parents. Thus the *avus, avia—pater mater*—of the wife become by the marriag respectively, the *socer magnus, prosocrus,* o *socrus magna—socer, socrus*—of the husban who becomes with respect to them severa *progener* and *gener*.

In like manner, the corresponding ancestor the husband respectively assume the same na with respect to the son's wife, who becomes, w respect to them, *pronurus* and *nurus*. The and daughter of a husband or wife born prior marriage are called *privignus* and *privi* with respect to their step-father or step-moth

and with respect to such children the step-father and step-mother are severally called *vitricus* and *noverca*. The husband's brother becomes *levir* with respect to the wife, and his sister becomes *glos* (the Greek γάλως).

Affinity in the direct line was always impediment to marriage, but not collateral (Cic. *de Div.* i. 46; Val. Max. i. 5, § 4). Marriage with a brother's widow and with a wife's sister were prohibited by imperial Constitutions (Cod. v. 5, ss. 5, 8, 9; Dig. 38, 10, 4, § 3; Puchta, § 196). [G. L.] [E. A. W.]

AGALMA (ἄγαλμα). [STATUARIA.]

AGAMI'OU GRAPHE' (ἀγαμίου γραφή). At Sparta, proceedings might be taken against those who married too late (γραφὴ ὀψιγαμίου) or unsuitably (γραφὴ κακογαμίου) as well as against those who did not marry at all (ἀγαμίου). The penalty was ἀτιμία. (Pollux, viii. 40; Plut. *Lycurg.* 15.) [MATRIMONIUM.]

Whether there was any such interference with individual liberty at Athens during the democratic period is more than doubtful. The evidence of passages in Plutarch (*de Am. Prolis*, p. 493 e) and Pollux (iii. 48) is rejected by Meier (*Att. Process*, p. 287), Westermann (in Pauly, *s. v.* ἄγαμοι), and Caillemer (in Daremberg and Saglio). No mention of ἀγαμίου γραφὴ occurs in the orators, even when we might most expect it; as when proof is required that a man had died unmarried (Demosth. *c. Leochar.* p. 1086, § 18; 1089, § 30). On the other hand, certain disabilities attached, at Athens, to the state of celibacy; those who entered public life, as ῥήτορες or στρατηγοί, were required παιδοποιεῖσθαι κατὰ τοὺς νόμους (Deinarch. *c. Demosth.* p. 99, § 72). Plato characteristically proposes to enforce marriage on all citizens before their 35th year by fines and atimia (*Leg.* iv. p. 721 A, B), and lays down the rule that in choosing a wife every one ought to consult the interest of the state, and not his own pleasure (*Leg.* vi. p. 773). [W. W.]

AGA'SO, a groom, a slave whose business it was to take care of the horses. (Plaut. *Merc.* v. 2, 11; Liv. xliii. 5; Plin. *H. N.* xxxv. § 134.) The word is also used for a driver of beasts of burthen (Apul. *Met.* vi. c. 18, vii. c. 18), and is sometimes applied to a slave who had to perform the lowest menial duties. (Hor. *Serm.* ii. 8, 72; Pers. v. 76.) [W. S.]

AGATHOERGI (ἀγαθοεργοί). In time of war the kings of Sparta had a body-guard of 300 knights (ἱππεῖς), of whom the five eldest served every year, and were employed for one year, under the name of *agathoergi*, in missions to foreign states. (Herod. i. 67.) It has been maintained by some writers that the *agathoergi* did not attain that rank merely by seniority, but were selected from the ἱππεῖς by the ephors without reference to age. (Ruhnken, *Ad Timaei Lex. Plat.* s. v.; Hesych. *s. v.*; Bekker, *Anecd.* vol. i. p. 209.) [W. S.]

AGE'LA (ἀγέλη), an assembly of young men of the state, who lived together from their seventh year till the time of their marriage. Up to the end of their sixteenth year they remained in their father's house; and from the circumstance of their belonging to no *agela*, they were called ἄγελοι. They were then enrolled in *agelae*, which were of an aristocratic nature, and gave great power to particular families. An *agela* always consisted of the sons of the most noble citizens, who were usually under the jurisdiction of the father of the youth who had been the means of collecting the *agela*. It was the duty of this person, called ἀγελάτης, to superintend the military and gymnastic exercises of the youths (who were called ἀγέλαστοι), to accompany them to the chase, and to punish them when disobedient. He was accountable, however, to the state, which supported the *agela* at the public expense. All the members of an *agela* were obliged to marry at the same time. When they ceased to belong to an *agela*, they partook of the public meals for men (ἀνδρεῖα) [SYSSITIA]. These institutions were afterwards preserved in only a few states of Crete, such for instance as Lyctus. (Ephorus, *ap.* Strab. x. p. 480, &c.; Heracl. Pont. c. 3; Höck, *Creta*, iii. p. 100, &c.; Müller, *Dor.* iv. 5, § 3; Hermann, *Griech. Staatsalterthümer*, § 22; Wachsmuth, *Hellen. Alterthumskunde*, vol. i. p. 362, 2nd ed.; Krause, *Die Gymnastik u. Agonistik d. Hellenen*, p. 690, &c.) At Sparta the youths left their parents' houses at seven years of age and entered the βοῦαι. [W. S.]

AGE'MA (ἄγημα, from ἄγω), the name of a chosen body of troops in the Macedonian army, forming the royal guard, consisting of horse-soldiers and foot-soldiers, but usually of the former. It seems to have varied in number; sometimes it consisted of 150 men, at other times of 300, and in later times it contained as many as 1000 or 2000 men. (Arrian, *Anab.* i. 1, § 11; ii. 8, § 3; iv. 24, § 1; Diod. xix. 27, 28; Liv. xxxvii. 40; xlii. 51, 58; Curt. iv. 13; Polyb. v. 25, 65, xxxi. 3; Appian, *Syr.* 32; Hesych. and Suid. *s. v.*; Eustath. *ad Od.* i. p. 1399, 62.) [W. S.]

AGEORGIOU DIKE' (ἀγεωργίου δίκη) is nowhere mentioned in the classical writers, but is thus explained by grammarians: σημαίνει τὸ ἐπειδάν τις χώριον παραλαβὼν ἀγεώργητον καὶ ἀνέργαστον ἐάσῃ, ἔπειτα ὁ δεσπότης δικάζηται τῷ παραλαβόντι (Bekk. *Anecd.* pp. 220, 336). It has been argued from the use of the word παραλαβεῖν that the right of bringing this action was confined to the owner of mortgaged land as against the mortgagee or incumbrancer, and did not extend to ordinary tenancy (μισθώσασθαι); but it was probably general (Caillemer, *s. v.* in Daremberg and Saglio, against Büchsenschütz, *Besitz und Erwerb*, p. 93). [W. W.]

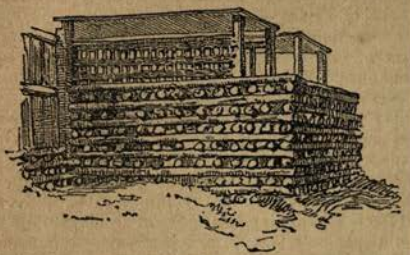
AGER and AGER PUBLICUS. [AGRARIAE LEGES; AGRIMETATIO.]

AGER SANCTUS (τέμενος). For an account of the lands in Greece devoted to the service of religion, see TEMENOS; for an account of those in Rome, see SACERDOS. [W. S.]

AGETO'RIA (ἀγητόρια). [CARNEIA.]

AGGER (χῶμα), from *ad* and *gero*, was used in general for a heap or mound of any kind which might be made of stones, wood, earth, or any other substance. It was more particularly applied to a mound, usually composed of earth, which was raised round a besieged town, and which was gradually increased in breadth and height, till it equalled or overtopped the walls. Hence we find the expressions *aggere oppidum oppugnare*, *aggere oppidum cingere*; and the making of the agger is expressed by the verbs *exstruere*, *construere*, *jacere*, *facere*, &c. Some of these *aggeres* were gigantic works, flanked with

towers to defend the workmen and soldiers, and surmounted by parapets, behind which the soldiers could discharge missiles upon the besieged towns. At the siege of Avaricum, Caesar raised in twenty-five days an agger 330 feet broad, and 80 feet high. (*B. G.* vii. 24.) As



Agger, from Column of Trajan.

the agger was sometimes made of wood, hurdles, and similar materials, we read of its being set on fire. (Liv. xxxvi. 23; Caes. *B. G.* vii. 24, *B. C.* ii. 14, 15.) The word *agger* was also applied to the earthen wall surrounding a Roman encampment, composed of the earth dug from the ditch (*fossa*), which was usually nine feet broad and seven feet deep; but if any attack was apprehended, the depth was increased to twelve feet, and the breadth to thirteen feet. Sharp stakes, &c., were usually fixed upon the agger, which was then called *vallum*. When both words are used (as in Caesar, *B. G.* vii. 72, *agger ac vallum*), the agger means the mound of earth; and the vallum the sharp stakes (*valli*) which were fixed upon the agger.

At Rome, the formidable rampart erected by Servius Tullius to protect the north-eastern side of Rome was called *agger*. It extended seven stadia, or about 1400 yards, from the Porta Collina to the Porta Esquilina, at the back of the Esquiline hill, where Rome is least fortified by nature. It was fifty feet broad, and protected by a ditch a hundred feet wide and thirty feet deep; and the Servian wall was carried along the top of it. (Cic. *de Rep.* ii. 6; Dionys. ix. 68.) Pliny (*H. N.* iii. § 67) attributes the erection of this rampart to Tarquinius Superbus, who may have completed the work of his predecessor. Recent excavations have greatly cleared up the subject of this *agger*, which the older writers sometimes failed to distinguish from the wall itself. (See Burn, *Rome*, p. 48 ff., and the map facing p. 49.) [W. S.] [W. W.]

AGITATO'RES. [CIRCUS.]

AGMEN. [EXERCITUS.]

AGNA'TI. [COGNATI.]

AGNO'MEN. [NOMEN.]

AG'OLUM, a shepherd's staff (*pastorale baculum quo pecudes aguntur*, Festus, *s. v.*), identified by Rich with the staff of the modern drovers of the Campagna, "formed by a long straight shoot of prickly pear." [J. H. F.]

AGONA'LES. [SALII.]

AGONA'LIA, AGO'NIA or AGONA'LES DIES, a name given to four festivals in the Roman calendar. Many different explanations have been given of the name (cf. Ov. *Fast.* i. 319–332; Fest. *Epit.* s. v.; Varr. *L. L.* vi. 12), most of them quite absurd. There can be little doubt that it is derived from the Old Latin *agonia*, "a victim," or *agonium*, "a festival," a word also found in other Italian dialects (Corssen, i.² 396; Curtius, *Principles*, i. 209).

1. On Jan. 9 the *rex* offered in the *regia* a ram in honour of Janus (Cal. Praenest.; Ov. *Fast.* i. 333). This sacrifice was said to have been instituted by Numa (Macrob. i. 4, 7).

2. On March 17, the day of the Liberalia, called according to Masurius (*apud* Macrob. i. 4, 15) the *Agonium Martiale*, a victim was offered by the *Salii agonales* on the Mons Quirinalis, hence sometimes called *Mons Agonus*, in honour of Mars, or more probably of Quirinus. (Cal. Vatic.)

3. On May 21 there was a festival called in the Cal. Venus. *Agon. Vediovi*, when a victim was offered to Vejovis in his temple on the Capitoline hill.

4. On Dec. 11 there was, according to Festus, a festival called *Septimontium*, when sacrifice was offered on each of the seven hills. This is denoted in the Fasti Amiternini (*C. I. L.*, p. 325) AG. IN., interpreted by Mommsen as *Agonia Inui*. (Cf. Marquardt, *Röm. Staatsv.* iii. p. 310, note; Huschke, *Das alte röm. Jahr*, Breslau, 1869, pp. 247–8.) [A. S. W.]

AGO'NES (ἀγῶνες), the general term among the Greeks for the contests at their great national games. [OLYMPIA, PYTHIA, NEMEA, ISTHMIA.] The word was also used to signify lawsuits, and was especially employed in the phrase ἀγῶνες τιμητοί and ἀτίμητοι. [TIMEMA.] [W. S.]

AGONO'THETAE (ἀγωνοθέται) were persons, in the Grecian games, who decided disputes and adjudged the prizes to the victors. Originally, the person who instituted the contest and offered the prize was the *agonothetes*, and this continued to be the practice in those games which were instituted by kings or private persons. But in the great public games, such as the Isthmian, Pythian, &c., the *agonothetae* were either the representatives of different states, as the Amphictyons at the Pythian games, or were chosen from the people in whose country the games were celebrated. During the flourishing times of the Grecian republics, the Eleians were the *agonothetae* in the Olympic games, the Corinthians in the Isthmian games, the Amphictyons in the Pythian games, and the Corinthians, Argives, and inhabitants of Cleonae in the Nemaean games. The ἀγωνοθέται were also called αἰσυμνῆται, ἀγωνάρχαι, ἀγωνοδίκαι, ἀθλοθέται, ῥαβδοῦχοι or ῥαβδονόμοι (from the staff they carried as an emblem of authority), βραβεῖς, βραβευταί. [OLYMPIA, PYTHIA, NEMEA, ISTHMIA.] [W. S.]

AG'ORA (ἀγορά). 1. Agora means an assembly of any nature, and is usually employed by Homer for the general assembly of the people. The agora seems to have been considered as essential part in the constitution of the Grecian states, since the barbarity and uncivilised condition of the Cyclops is characterised by their wanting such an assembly. (*Od.* ix. 112.) The agora, though usually convoked by the king, appears to have been summoned at times by some distinguished citizen, as, for example, by Achilles before Troy (Hom. *Il.* i. 54.) The king occupied the most important seat in these assemblies, and next sat the nobles, while the people sat in a circle around them. The power and rights

people in these assemblies have been the subject of much dispute. Platner, Tittmann, and Nitzsch in his commentary on the Odyssey, maintain that the people was allowed to speak and vote; while Müller (*Dor.* iii. 1, § 3), who is followed by Grote (*Hist. of Greece*, vol. ii. p. 91), maintains that the nobles were the only persons who proposed measures, deliberated, and voted, and that the people was only present to hear the debate, and to express its feeling as a body; which expressions might then be noticed by a prince of a mild disposition. The latter view of the question is confirmed by the fact, that in no passage in the Odyssey is any common man represented as taking part in the discussion; while, in the Iliad, Ulysses inflicts personal chastisement upon Thersites, for presuming to attack the nobles in the agora. (*Il.* ii. 211–277.) The people appear to have been only called together to hear what had been already agreed upon in the council of the nobles, which is called βουλή (*Il.* ii. 53, vi. 114, γέροντες βουλευταί), and θόωκος (*Od.* ii. 26), and sometimes even ἀγορά (*Od.* ix. 112; ἀγοραὶ βουληφόροι). Justice was administered in the agora by the king or chiefs (Hes. *Theog.* 85; Hom. *Il.* xviii. 497, *Od.* xii. 439), &c., but the people had no share in its administration, and the agora served merely the purpose of publicity. The common phrases used in reference to the agora are εἰς ἀγορὴν καλέειν; ἀγορὴν ποιεῖσθαι, τίθεσθαι; εἰς τὴν ἀγορὴν εἰσιέναι, ἀγείρεσθαι, &c. (Wachsmuth, *Hellen. Alterthumsk.* vol. i. p. 346, 2nd ed.; Hermann, *Lehrbuch. d. Griech. Staatsalt.* § 55; Grote, *Hist. of Greece*, vol. ii. pp. 91–101.)

Among the Athenians, the proper name for the assembly of the people was ἐκκλησία, and among the Dorians ἁλία. The term *agora* was confined at Athens to the assemblies of the phylae and demi. (Aesch. c. *Ctes.* § 27, p. 50, 37; Schömann, *de Comitiis Athen.* p. 27, *Antiq. Jur. Publ. Graec.* pp. 203, 205; Böckh, *Corp. Inscrip.* vol. i. p. 125.) In Crete the original name ἀγορά continued to be applied to the popular assemblies till a late period. (Bekker, *Anecdot.* vol. i. p. 210.) [W. S.]

2. Agora was also the place of public assembly in a Greek city, both for traffic and for the transaction of all public business. It answers to the Roman *forum*; and, in fact, it is impossible to keep these two subjects entirely separate.

In the earliest times, the agora was merely an open piece of ground, which was generally in front of the royal palace, and in seaport towns close to the harbour. The agora of Troy was in the citadel. Here the chiefs met in council and sat in judgment, and the people assembled to witness athletic games. It was evidently also the place of traffic and of general intercourse; in one passage of Homer we have a lively picture of the idlers who frequented it. It was enclosed with large stones sunk into the [illegible] and seats of marble were placed in it for [illegible]iefs to sit in judgment, and it was hal[illegible] by the shrine of one or more divinities. [illegible]agora which Homer particularly describes [illegible]t of the Phaeacians—there was a temple [illegible]seidon. (Hom. *Il.* ii. 788, vii. 345, 346, 497–506; *Od.* vi. 263–285, viii. 16, 109, [illegible]81.)

[illegible] of this simple arrangement arose the magnificent ἀγορά of later times, which consisted of an open space, enclosed by porticoes or colonnades, divided into separate parts for the various occupations which were pursued in it, adorned with statues, altars, and temples, and built about with edifices for the transaction of public and private business, and for the administration of justice.

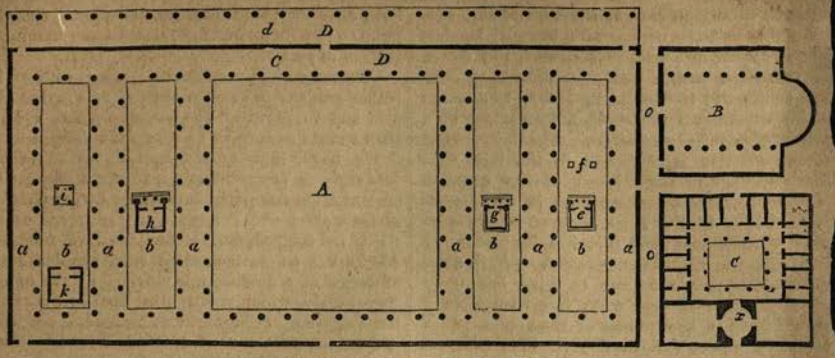
Our information respecting these edifices is rather scanty. The chief authorities are Pausanias and Vitruvius. The existing ruins are in such a state as to give us very little help.

We have, first of all, in this, as in other departments of architecture, to distinguish the ancient style from that introduced by the Greeks of Ionia after the Persian war, and more especially by Hippodamus of Miletus [see *Dict. of Biog.* s. v.], whose connexion with the building of ἀγοραί of a new form is marked by the name Ἱπποδαμεία, which was applied to the agora in the Peiraeus. (Harpocr. *s. v.* Ἱπποδαμεία.) The general character of the Greek ἀγορά is thus described by Vitruvius (v. 1): "The Greeks arrange their fora in a square form, with very wide double colonnades, and adorn them with columns set near one another, and with stone or marble entablatures, and they make walks in the upper stories."

Among the ἀγοραί described by Pausanias, that of the Eleians is mentioned by him (vi. 24) as being "not on the same plan as those of the Ionians and the Greek cities adjoining Ionia, but it is built in the more ancient fashion, with porticoes separated from one another, and streets between them. But the name of the agora in our days is *hippodromos*, and the people of the country exercise their horses there. But of the porticoes, the one towards the south is of the Dorian style of work, and the pillars divide it into three parts (in this the Hellanodicae generally pass the day); but against these (pillars) they place altars to Zeus ... To one going along this portico, into the agora, there lies on the left, along the further side of this portico, the dwelling of the Hellanodicae (ὁ Ἑλλανοδικεών); and there is a street which divides it from the agora ... And near the portico where the Hellanodicae pass the day is another portico, there being one street between them: this the Eleians call the Corcyraean portico" (because it was built from the tithe of spoil taken from the Corcyraeans in war). "But the style of the portico is Dorian and double, having columns on the one side towards the agora, and on the other side towards the parts beyond the agora; and along the middle of it is a wall, which thus supports the roof; and images are placed on both sides against the wall." He then proceeds to mention the ornaments of the agora,—namely, the statue of the philosopher Pyrrhon; the temple and statue of Apollo Acesius; the statues of the Sun and Moon; the temple of the Graces, with their wooden statues, of which the dress was gilt, and the hands and feet were of white marble; the temple of Seilenus, dedicated to him alone, and not in common with Dionysus; and a monumental shrine, of peculiar form, without walls, but with oak pillars supporting the roof, which was reported to be the monument of Oxylus. The agora also contained the dwelling of the sixteen females, who wove in it the sacred robe for Hera. It is worthy of remark that several of

these details confirm the high antiquity which Pausanias assigns to this agora.

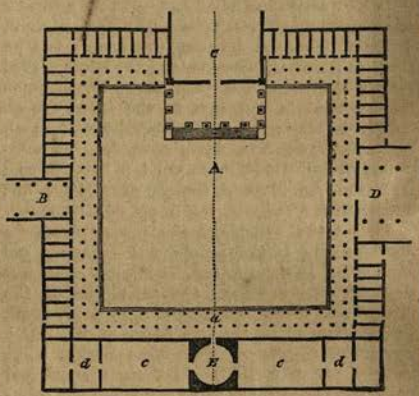
Hirt has drawn out the following plan from the description of Pausanias. (*Geschichte der Baukunst bei den Alten*, Taf. xxi. fig. 5.) We give it, not as feeling satisfied of its complete accuracy, but as a useful commentary on Pausanias.



Ground-plan of the old Agora at Elis.

A, the chief open space of the agora, called, in the time of Pausanias, *hippodromus*; *a*, colonnades separated by streets, *b*; B, the stoa in which the Hellanodicae sat, divided from the agora by a street *o*; C, the house of the Hellanodicae; *x*, the tholus; D, the Corcyraean stoa, composed of two parts, *c* looking into the agora, and *d* looking away from it; *e*, *g*, *h*, small temples; *f*, statues of the Sun and Moon; *i*, monument of Oxylus; *k*, house of the sixteen women.

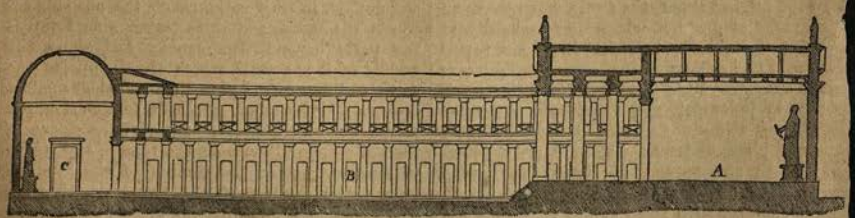
In this agora the stoa, B, answers to the later *basilica*, and the house, C, to the *prytaneium* in other Greek ἀγοραί. With respect to the other parts, it is pretty evident that the chief open space, A, which Pausanias calls τὸ ὕπαιθρον τῆς ἀγορᾶς, was devoted to public assemblies and exercise, and the στοαί (*a*), with their intervening streets (*b*), to private business and traffic. Hirt traces a resemblance of form between the Eleian agora and the forum of Trajan. It is evident that the words of Vitruvius, above quoted, refer to the more modern, or Ionian form of the agora, as represented in the following plan, which is also taken from Hirt (*Geschichte der Baukunst*, xxi. fig. 1):—



Plan of a Greek Agora, according to Vitruvius.

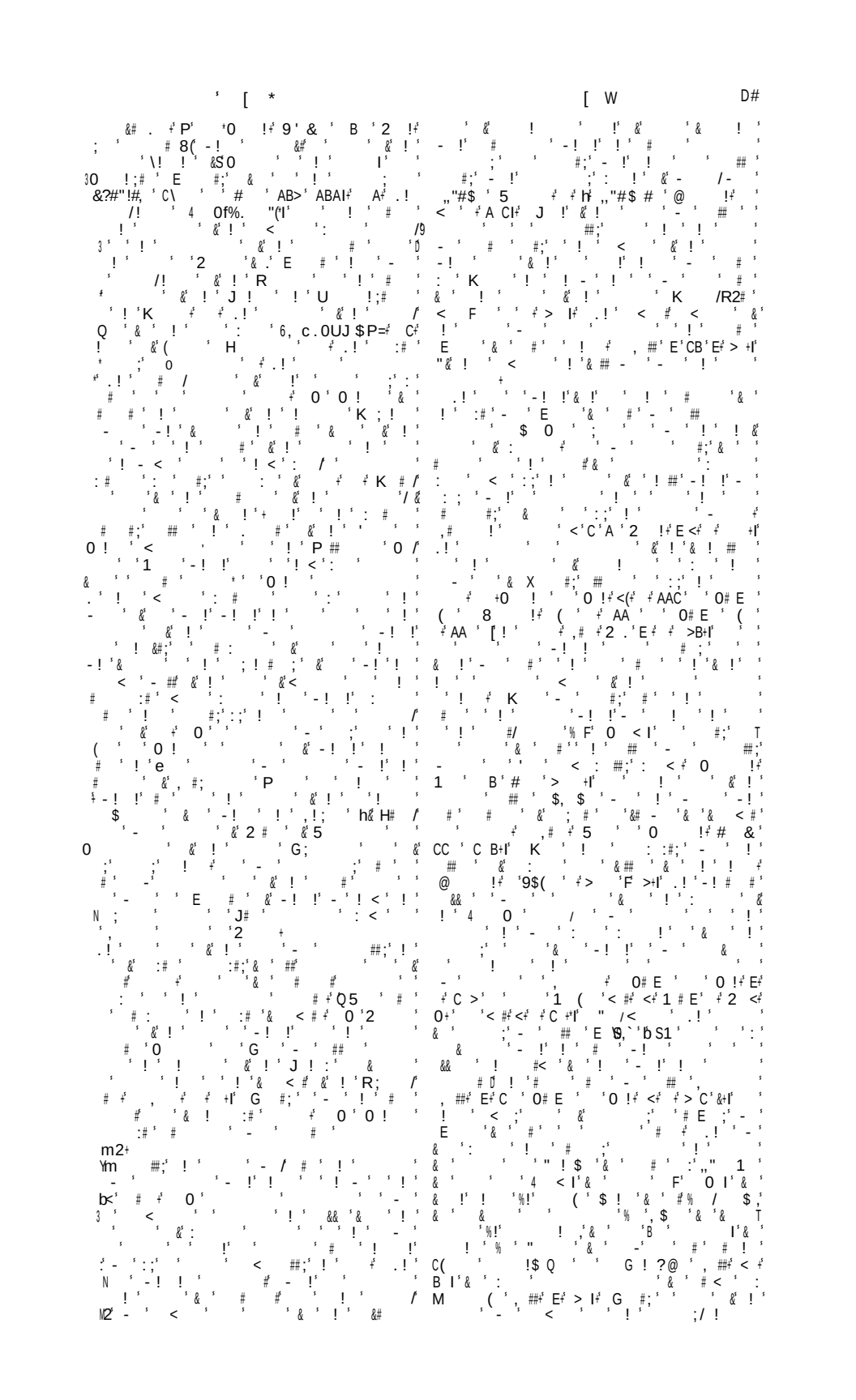
A, the open court, surrounded by double colonnades and shops; B, the curia; C, the chief temple, also used as a treasury; D, the basilica, or court of justice; E, the tholus, in connexion with the other rooms of the prytaneium, *c*, *d*.

The cut below, which is also from Hirt, represents a section of the agora made along the dotted line on the plan.



Section of the same.

We gain further information respecting the buildings connected with the agora, and the works of art with which it was adorned, chiefly from the statements of Pausanias respecting those of particular cities, such as Athens (i. 5, § 2), Thebes (ix. 17, § 1), Sicyon (ii. 7, § 7, 9, § 6), Argos (ii. 21), Sparta (iii. 11), Tegea (viii. 47, § 3), Megalopolis (viii. 30, § 2), to which sages the reader is referred for the details. buildings mentioned in connexion with the are:—1. Temples of the gods and shri heroes [TEMPLUM], besides altars and stat divinities. The epithet ἀγοραῖος is often a to a divinity who was thus worshipped



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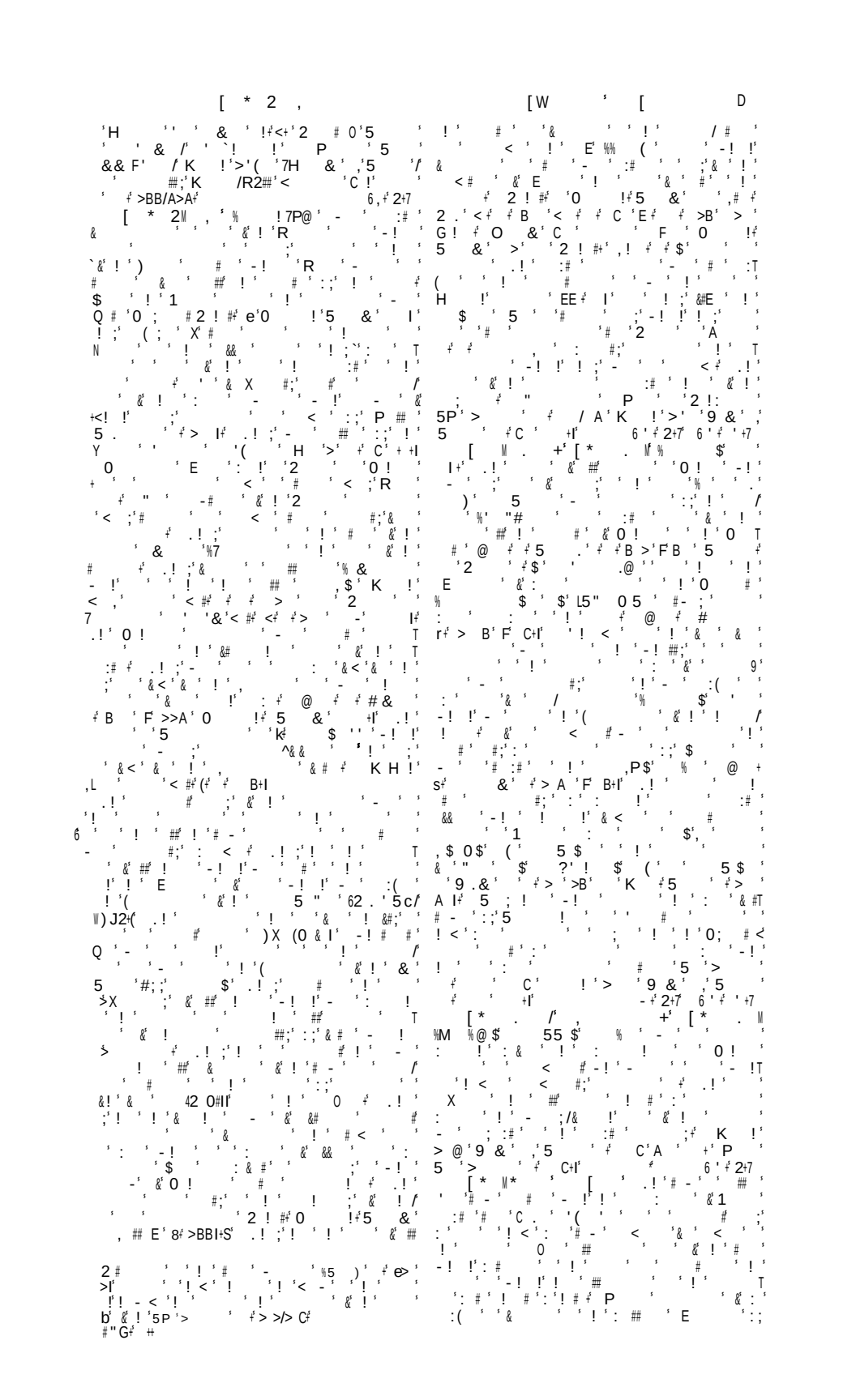

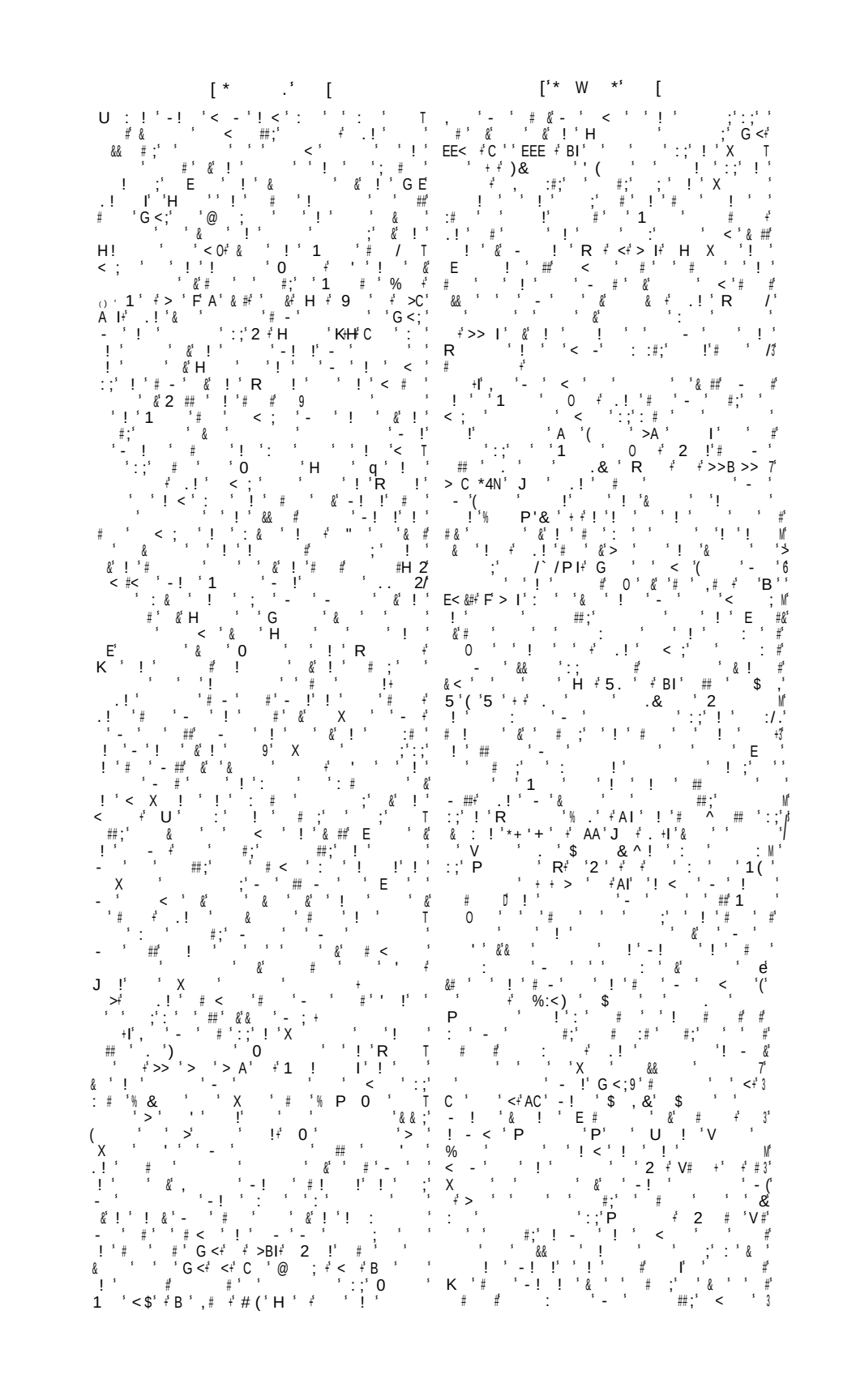

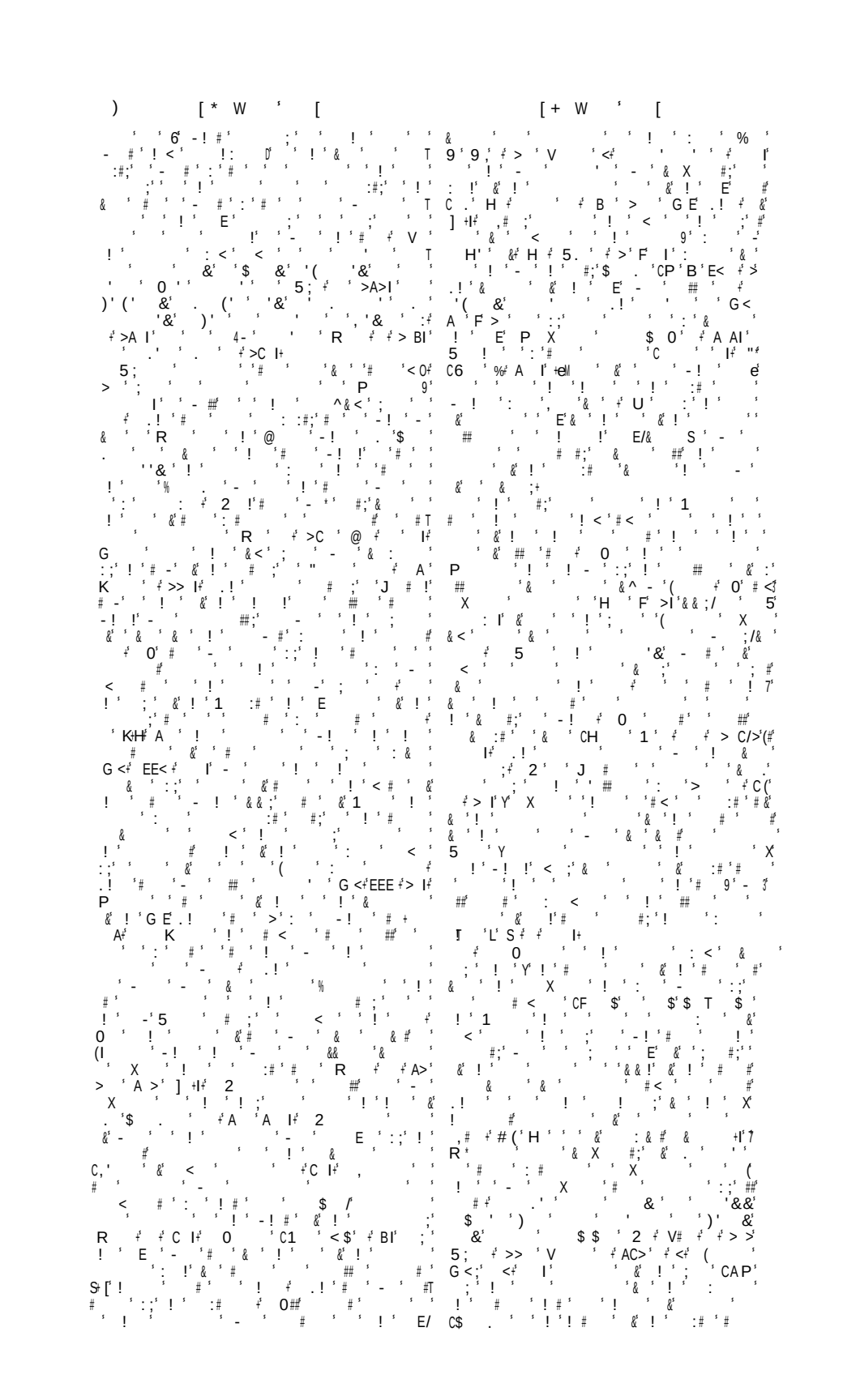

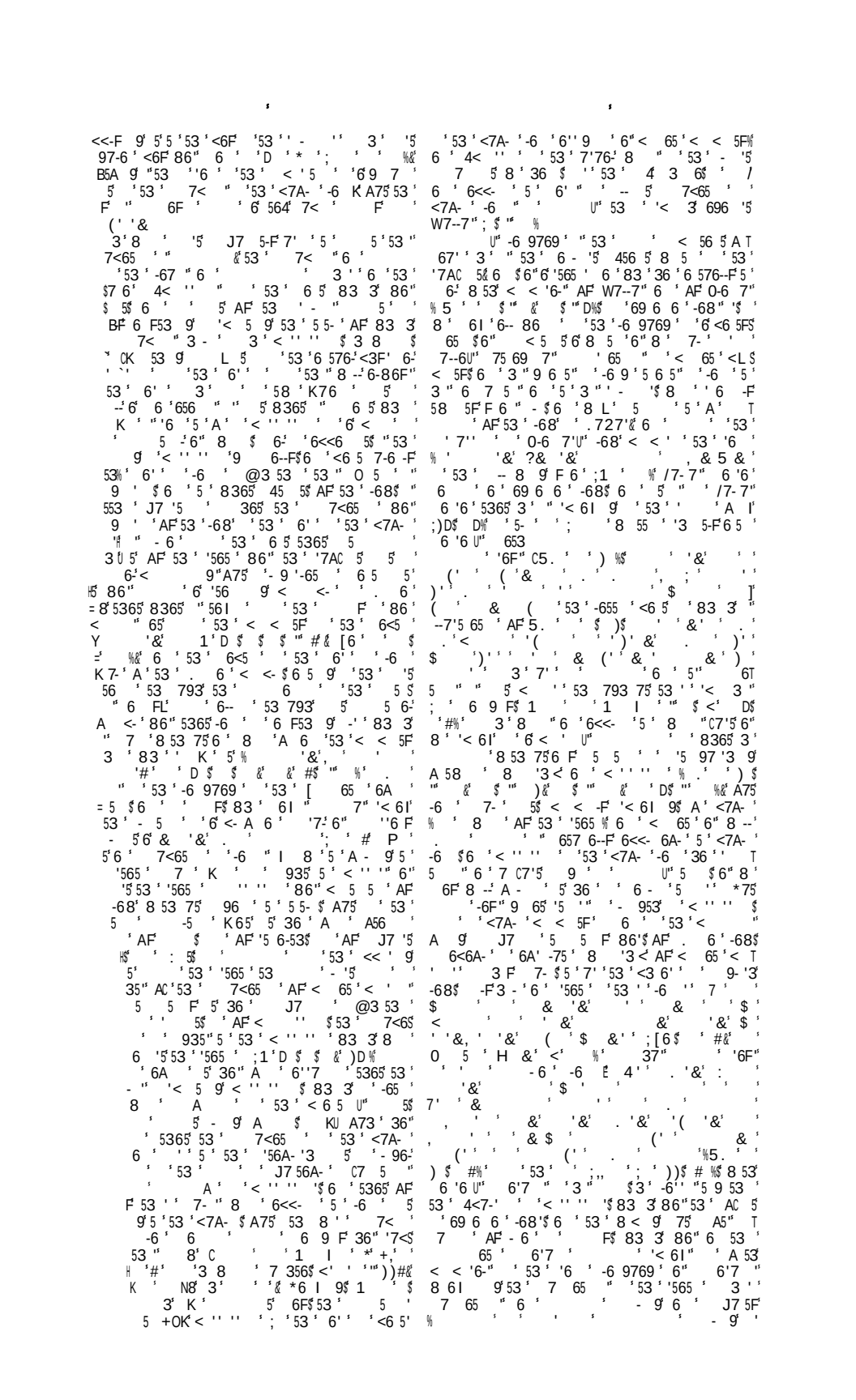

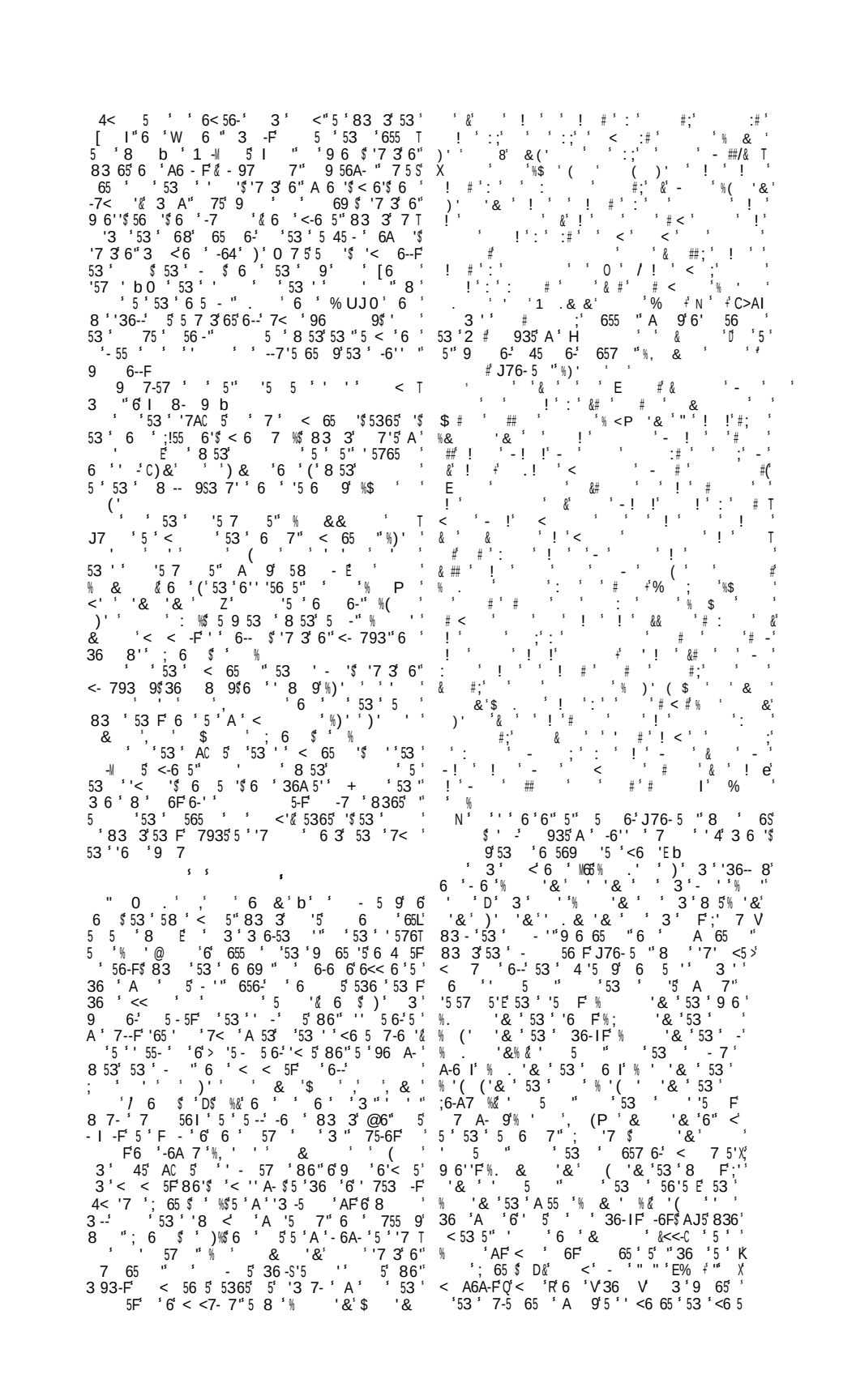

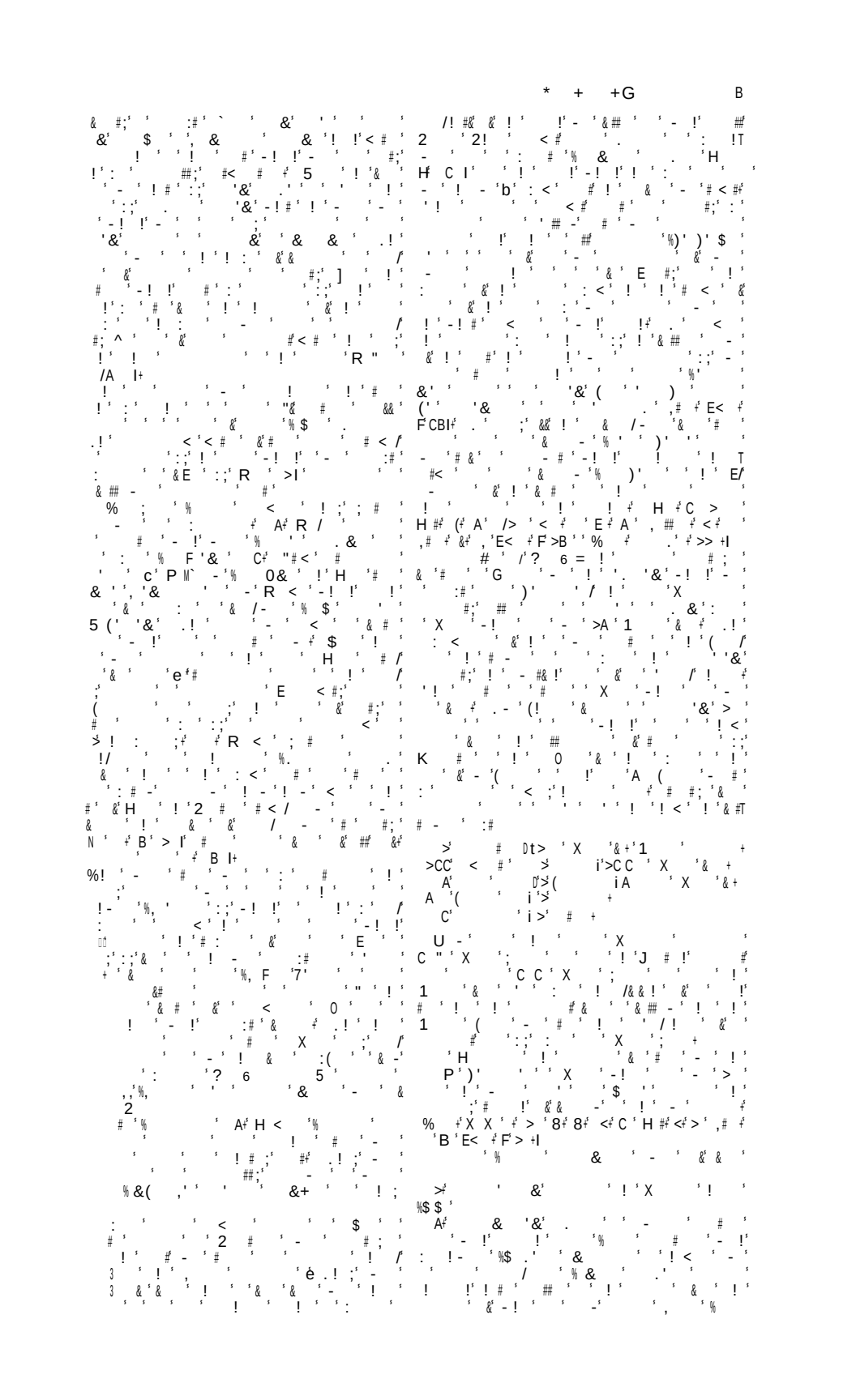

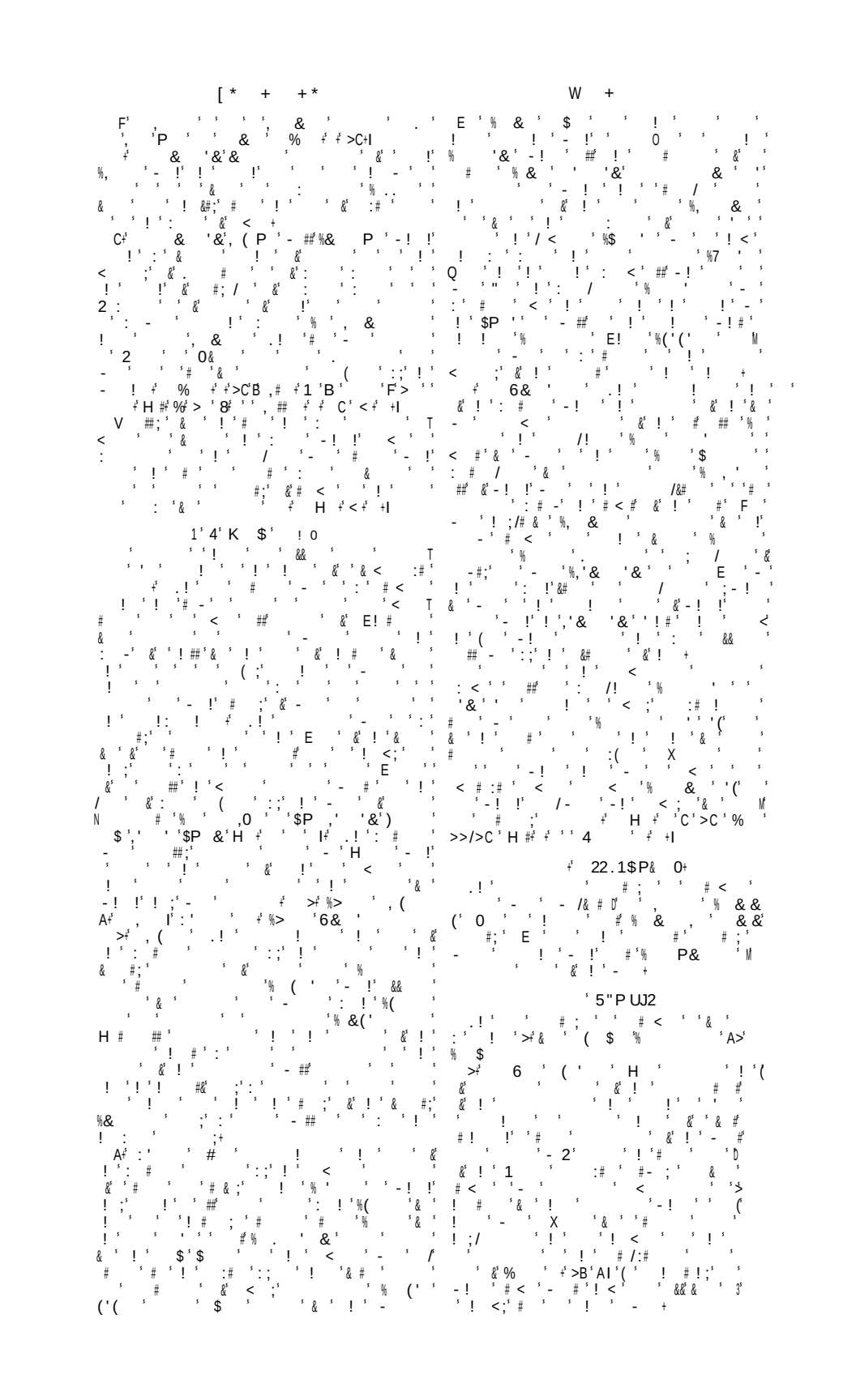

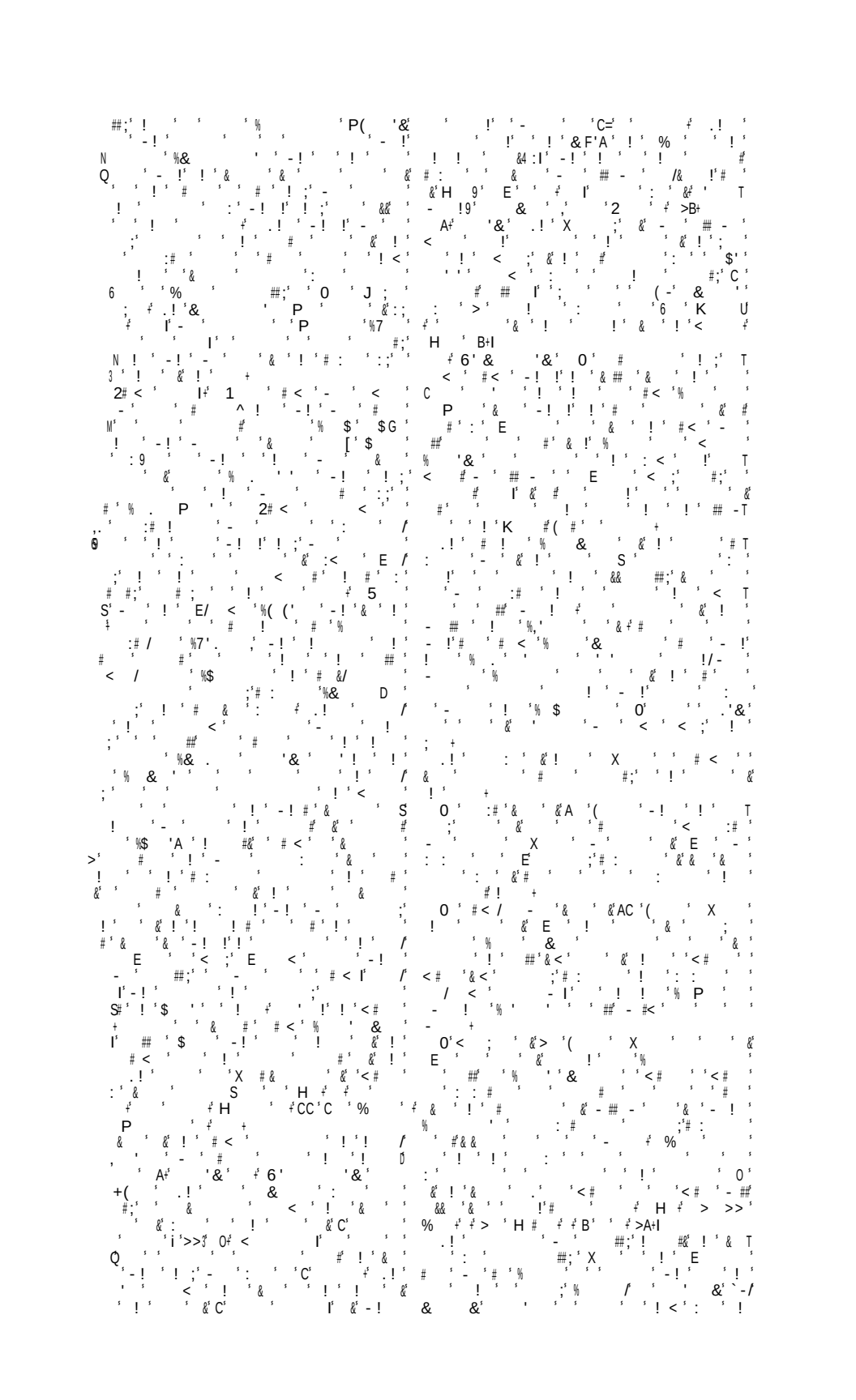

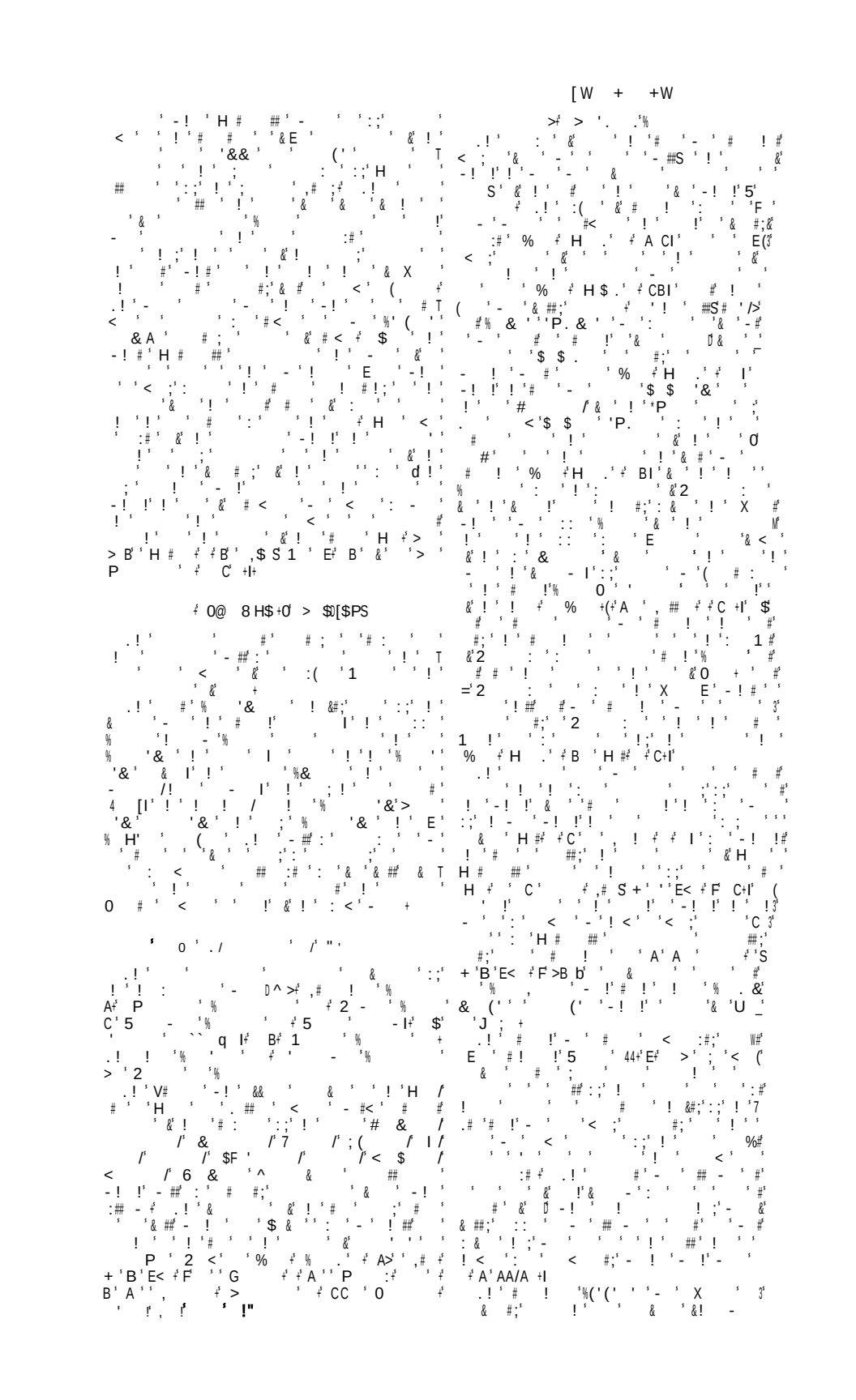

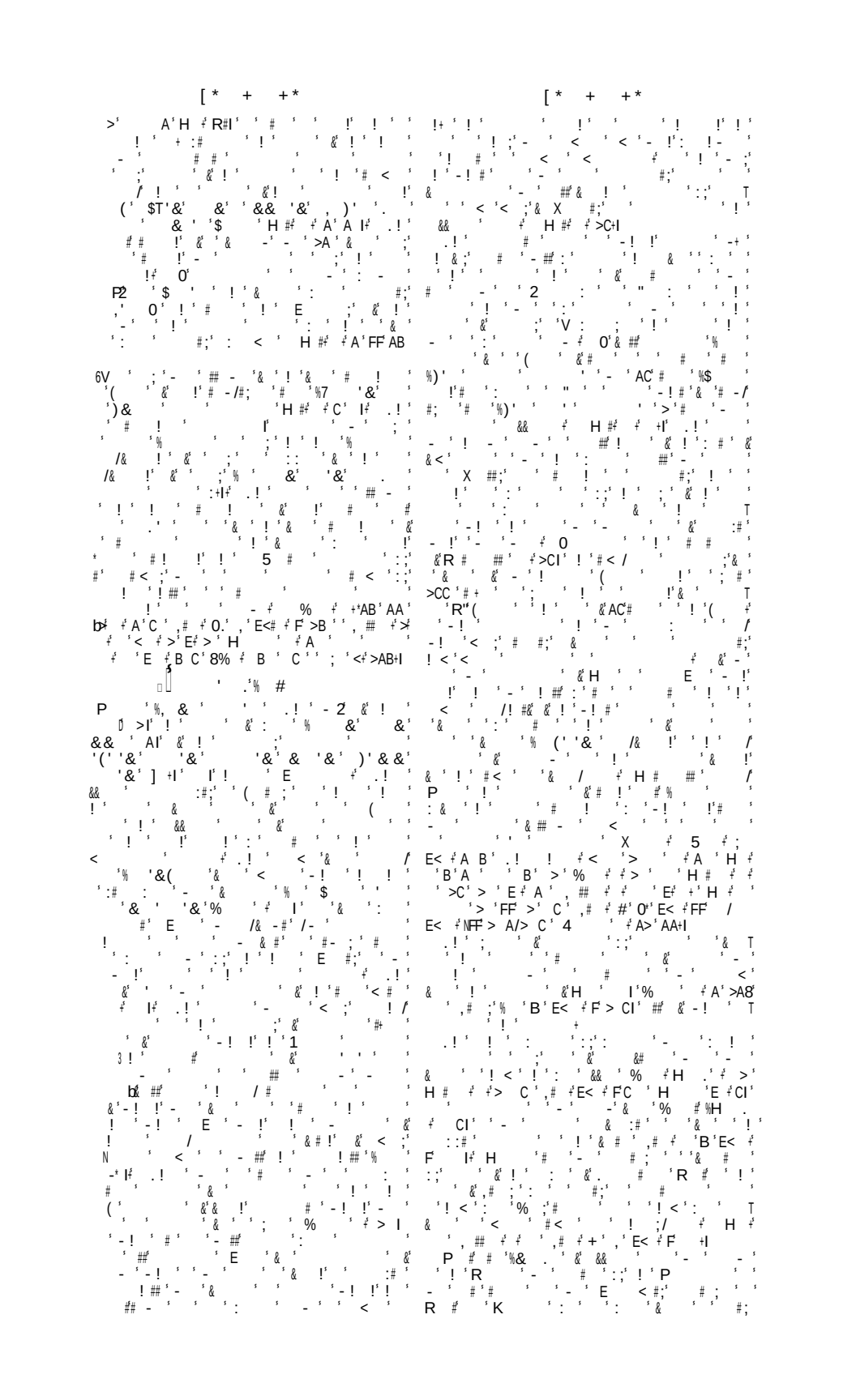

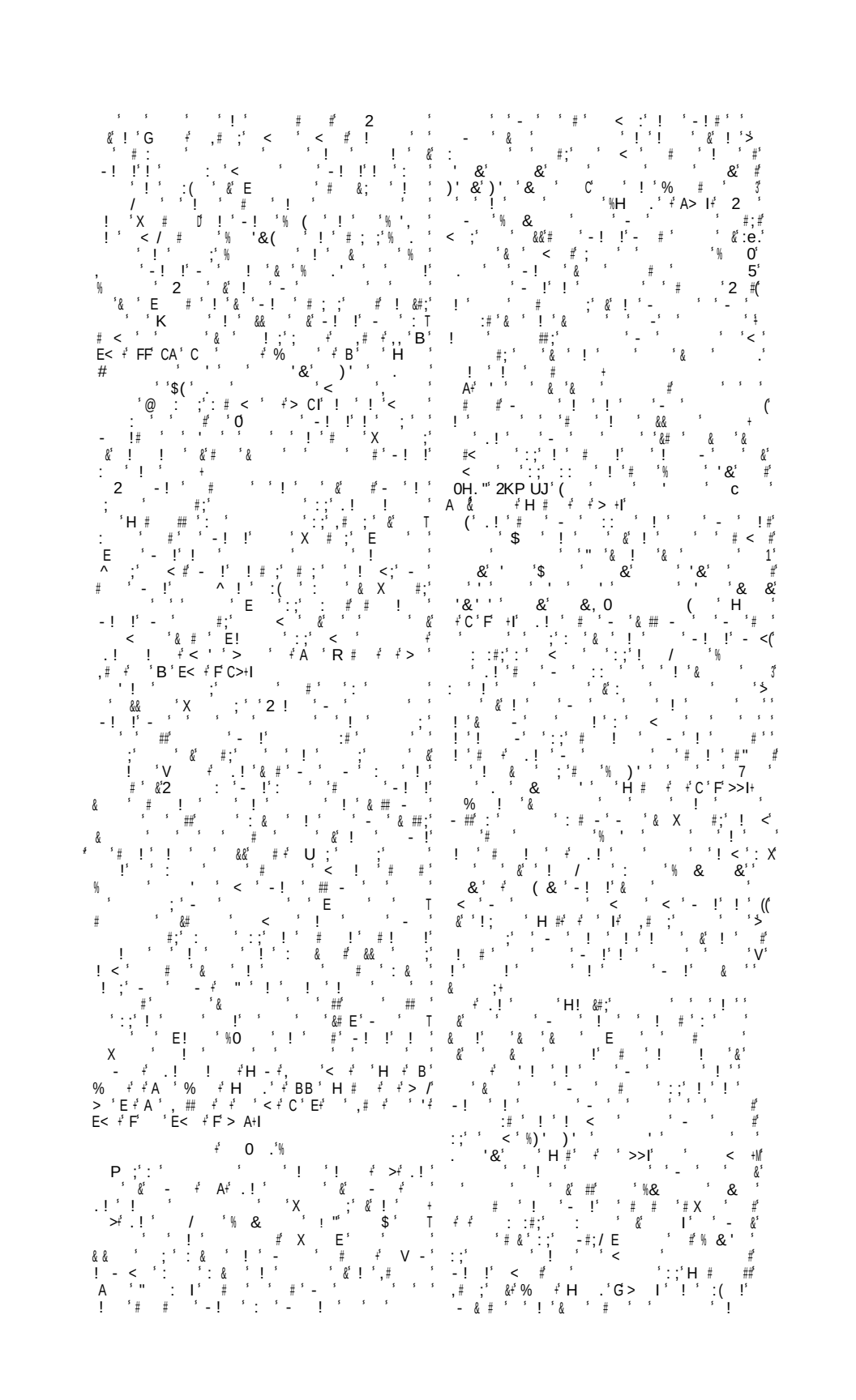

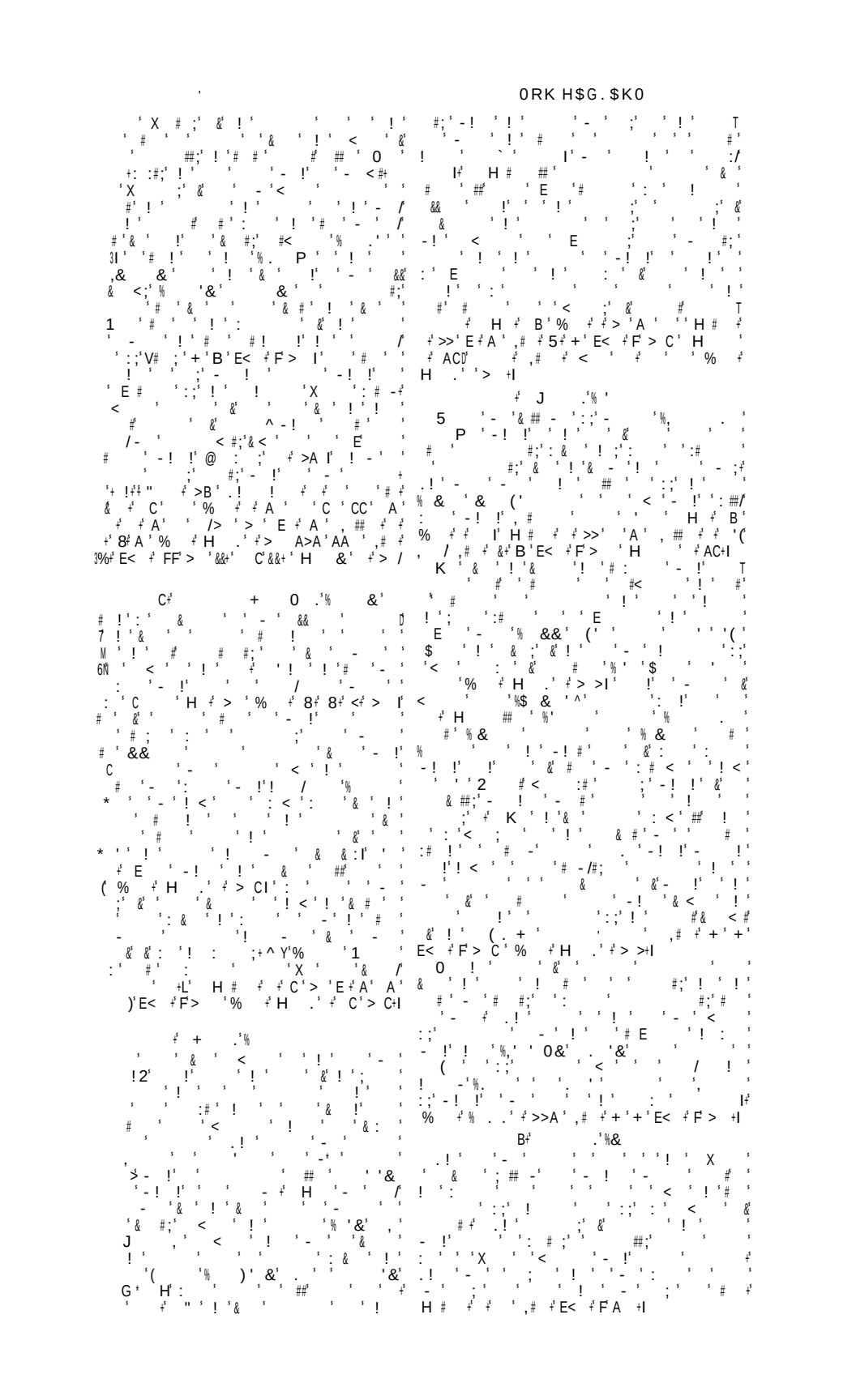

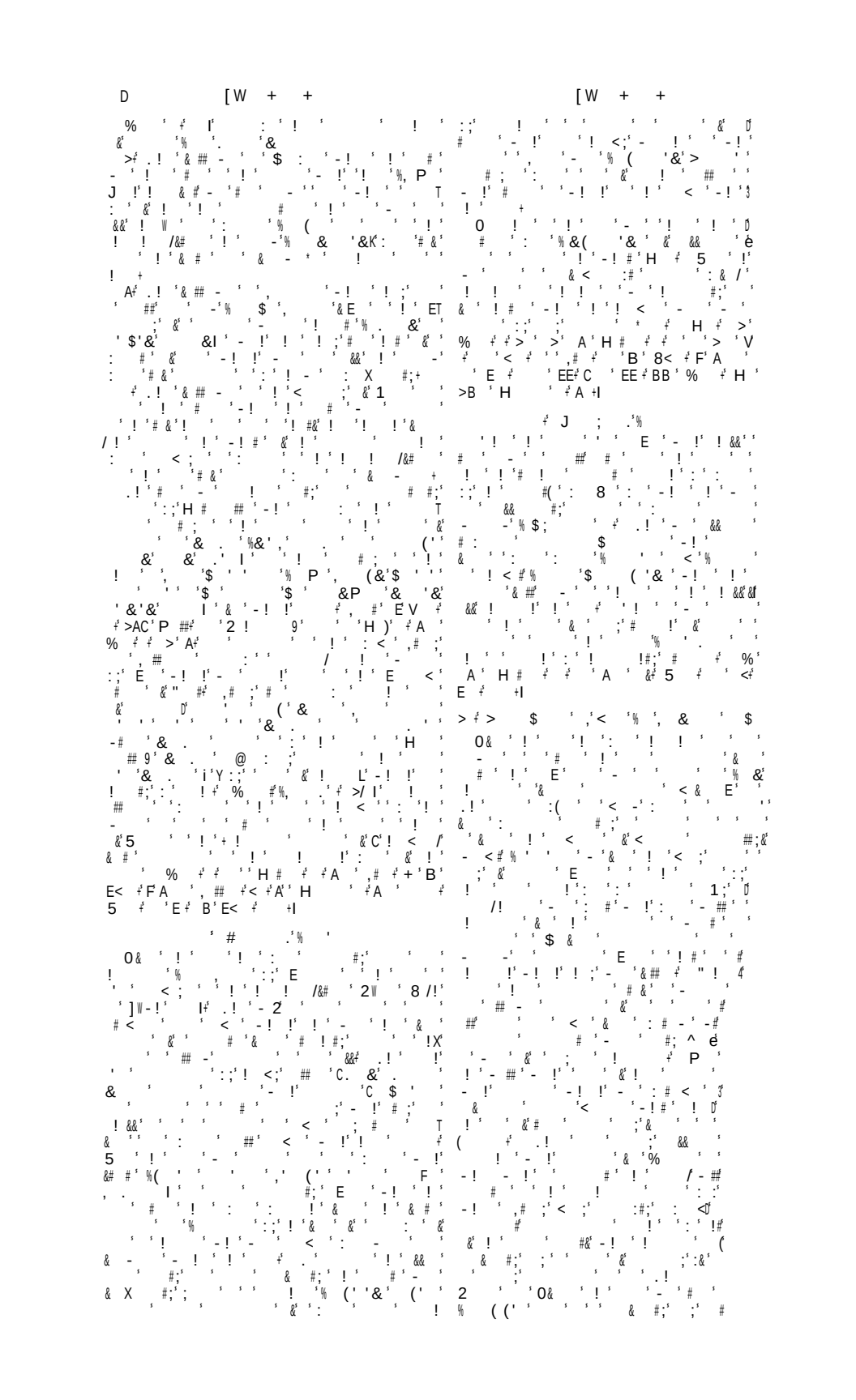

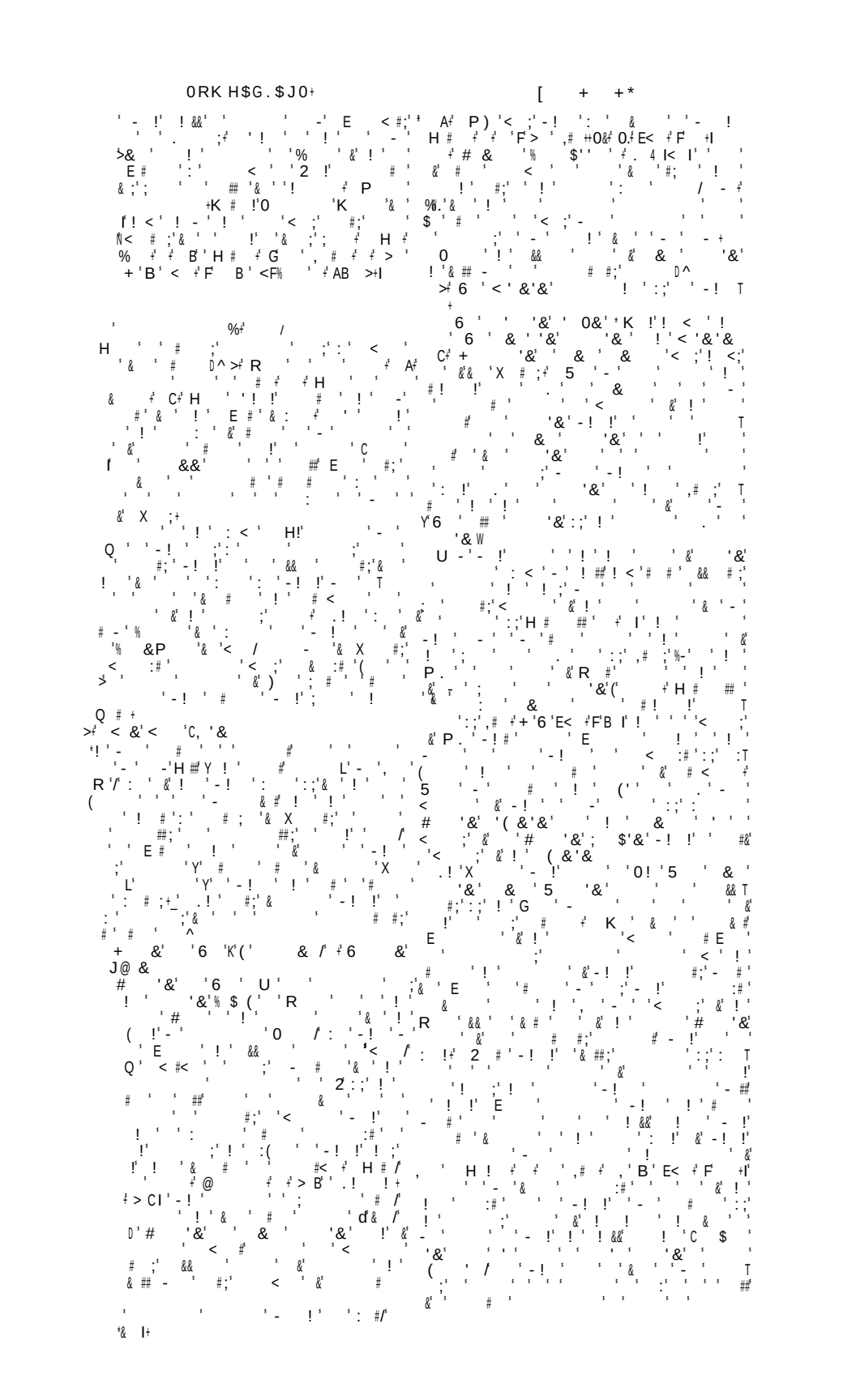

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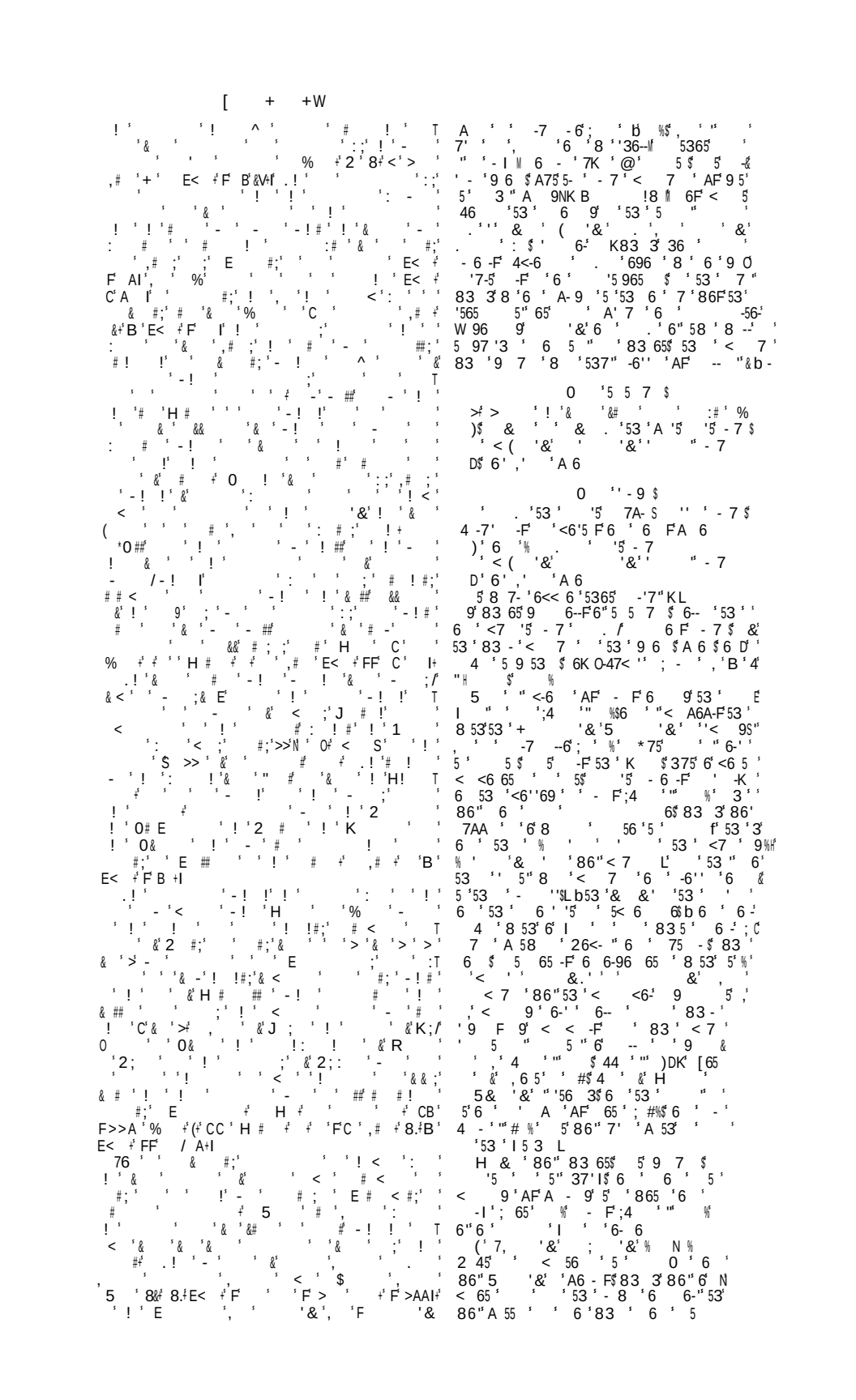

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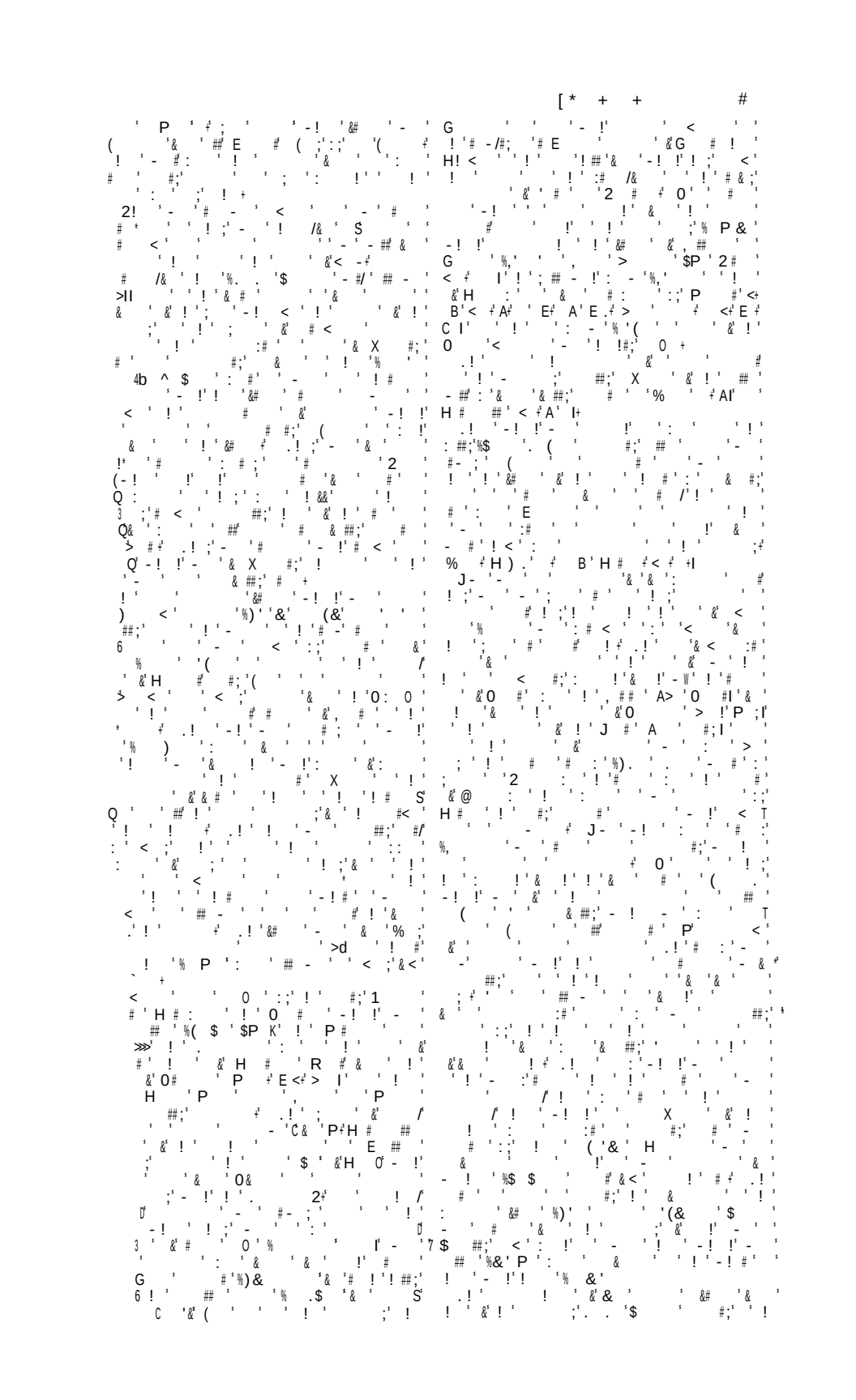

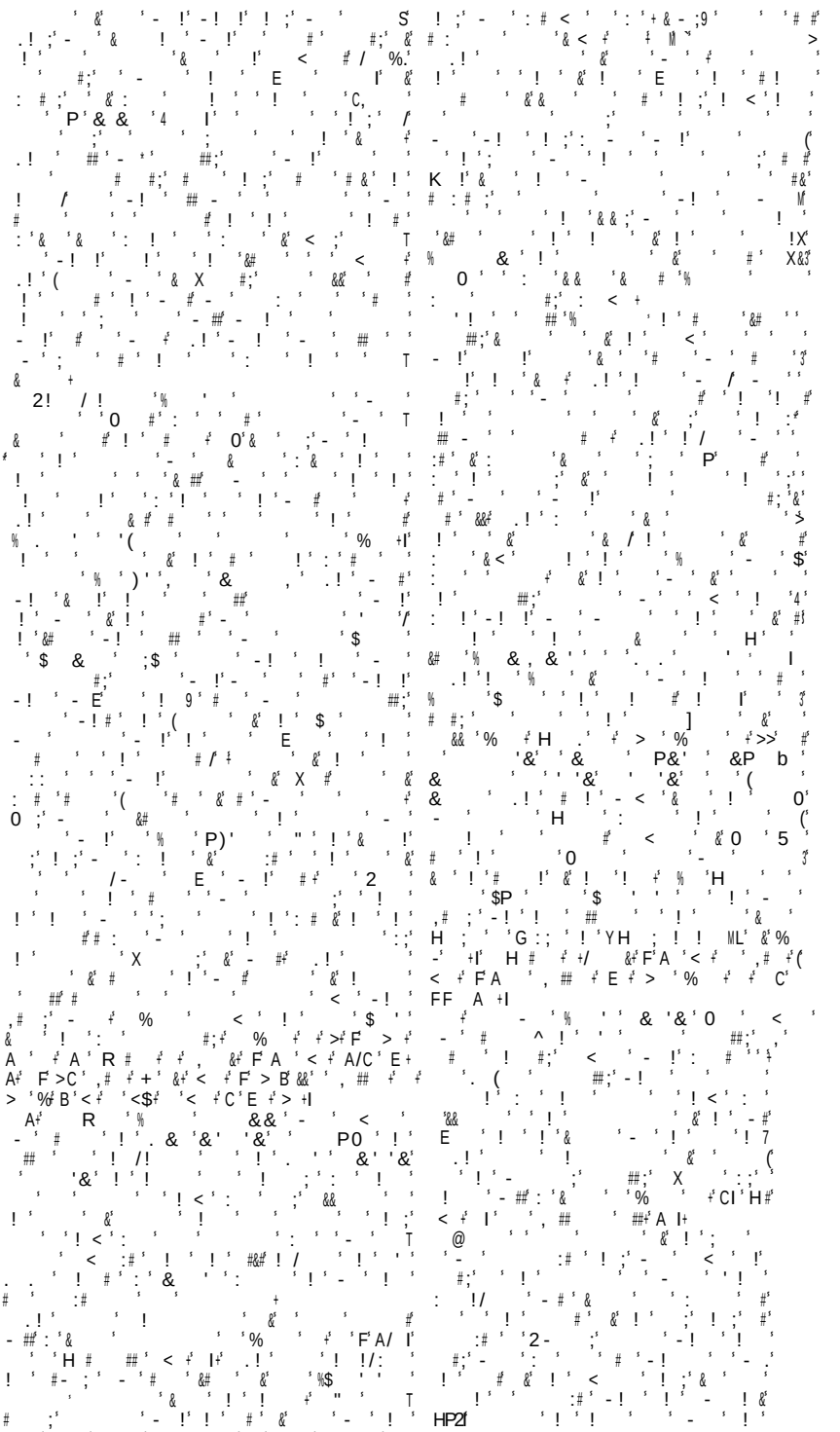

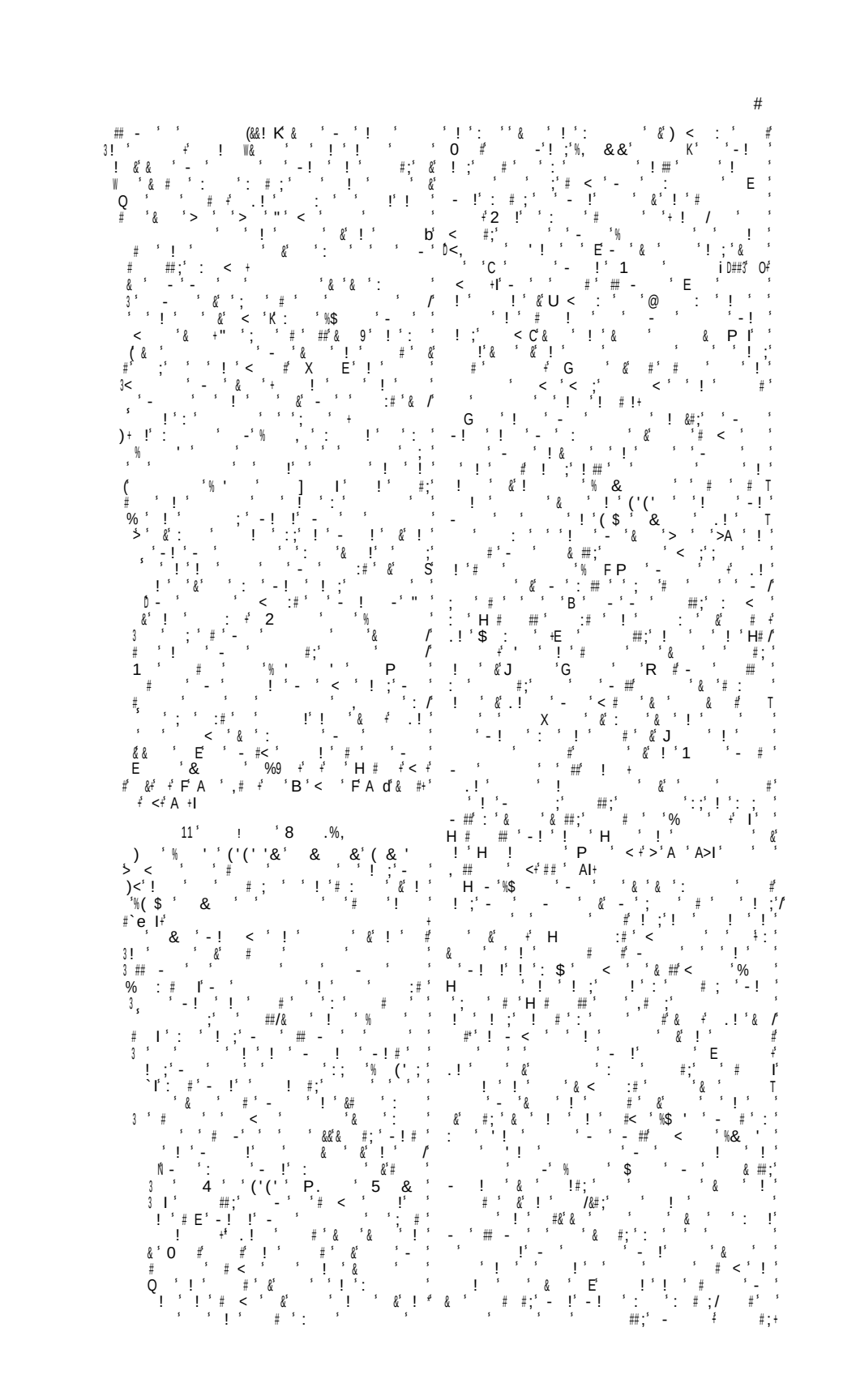

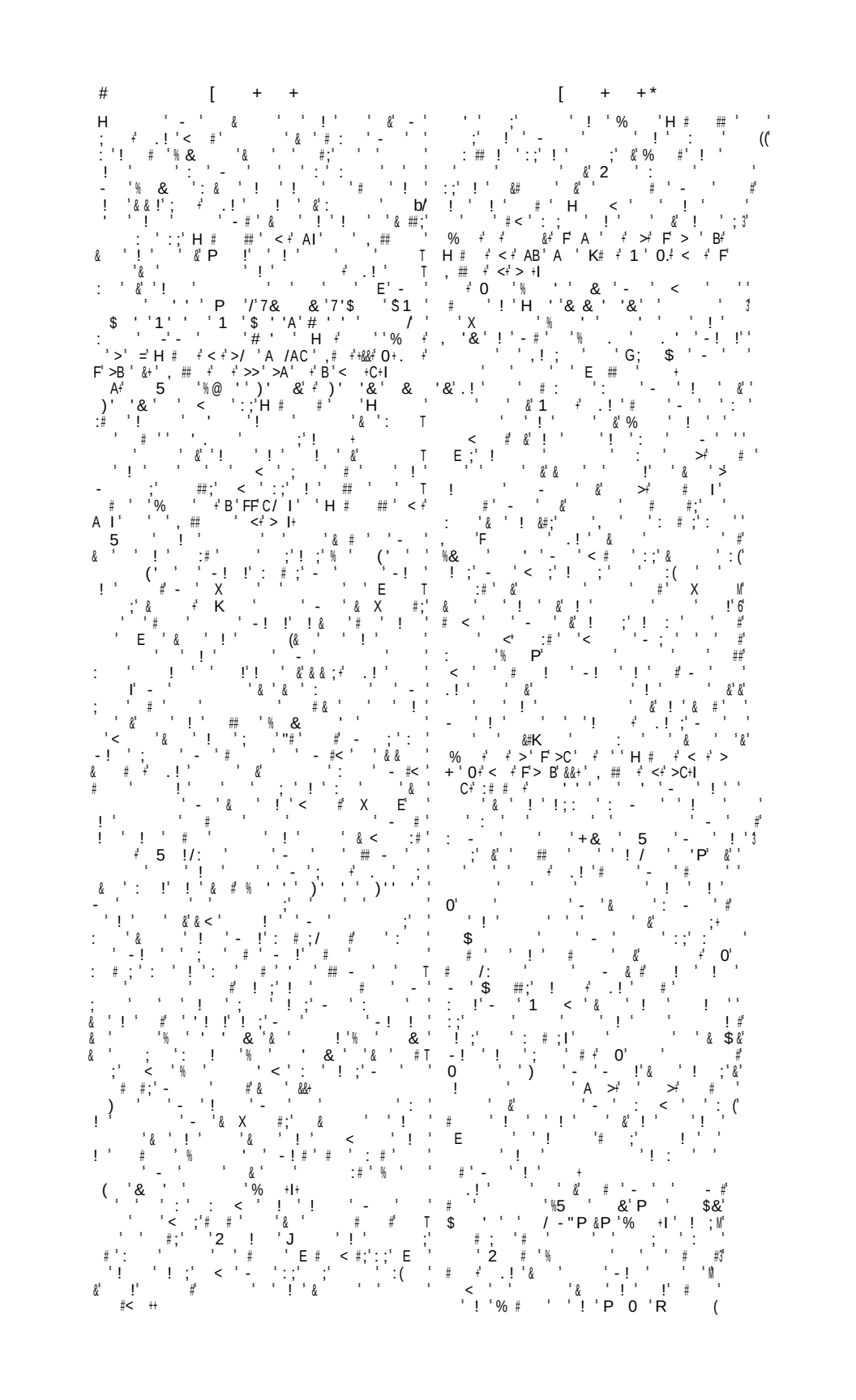

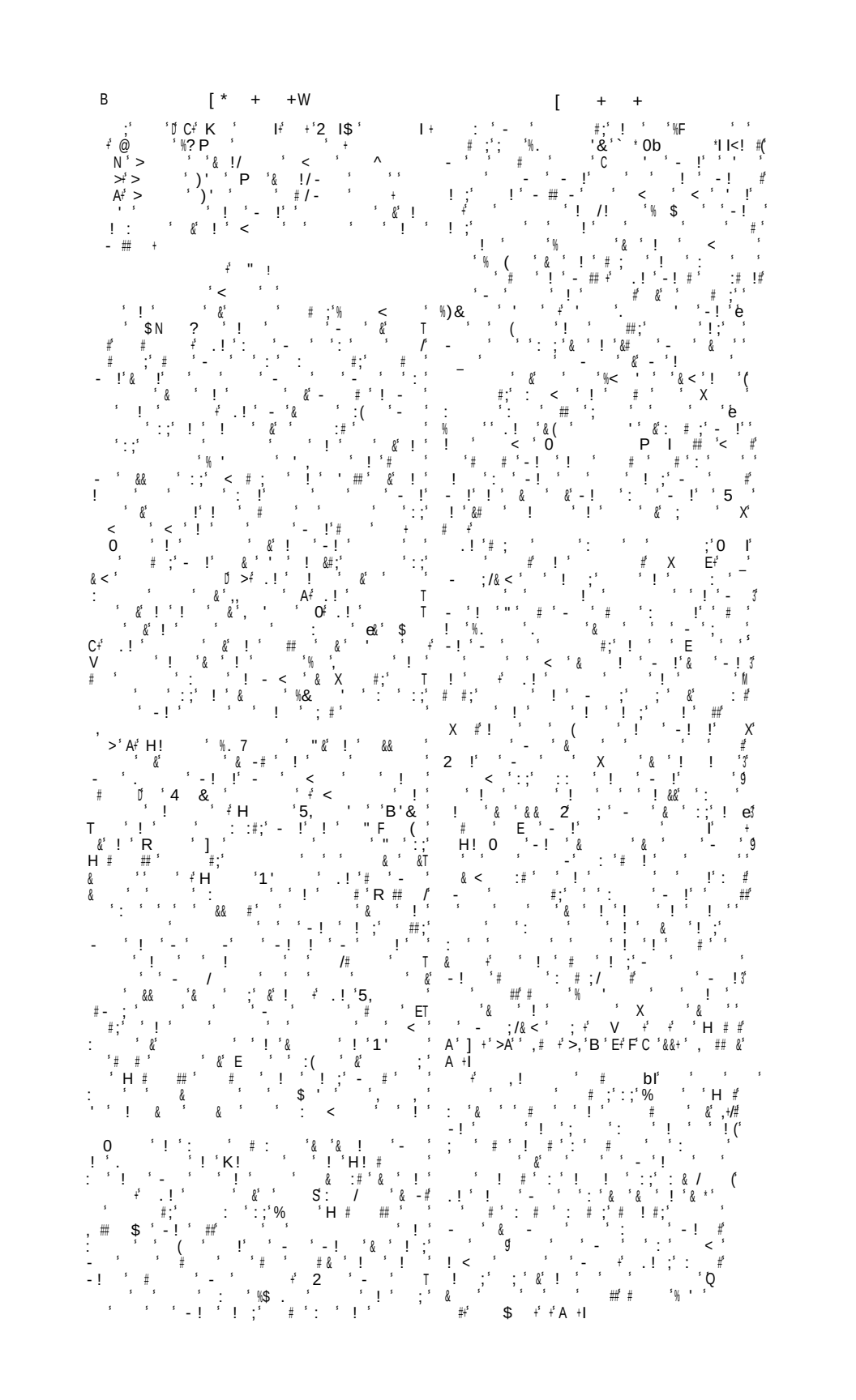

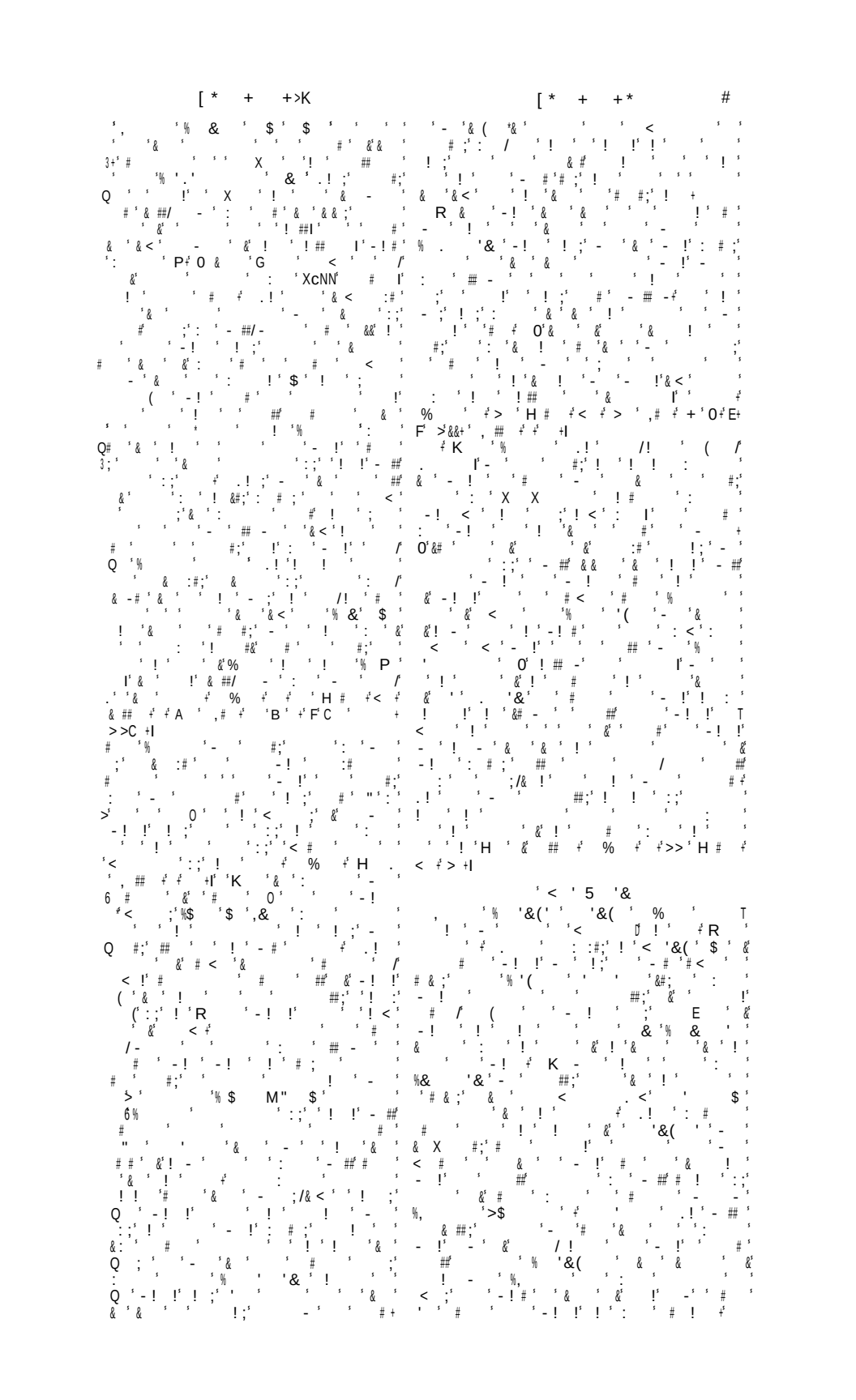

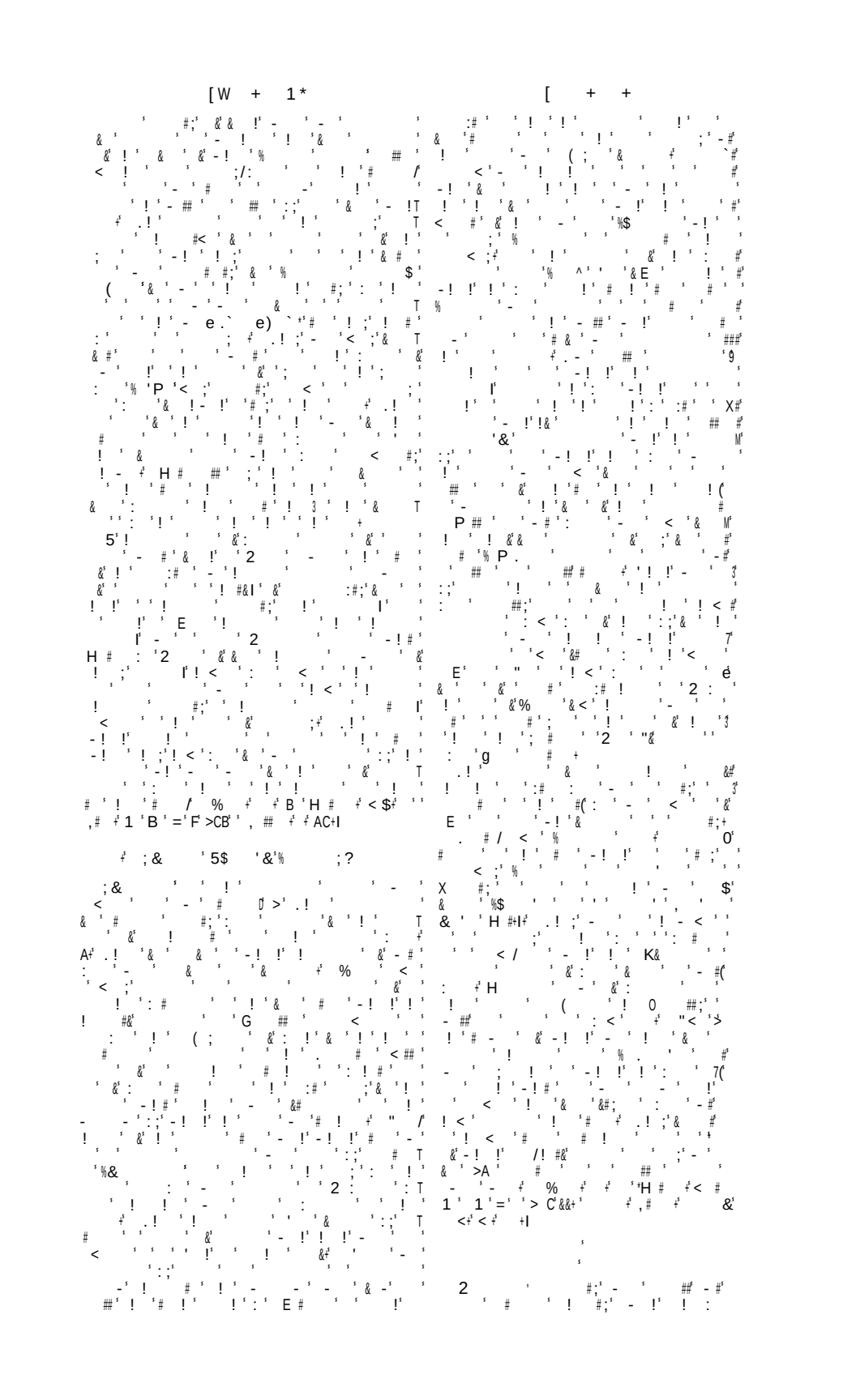

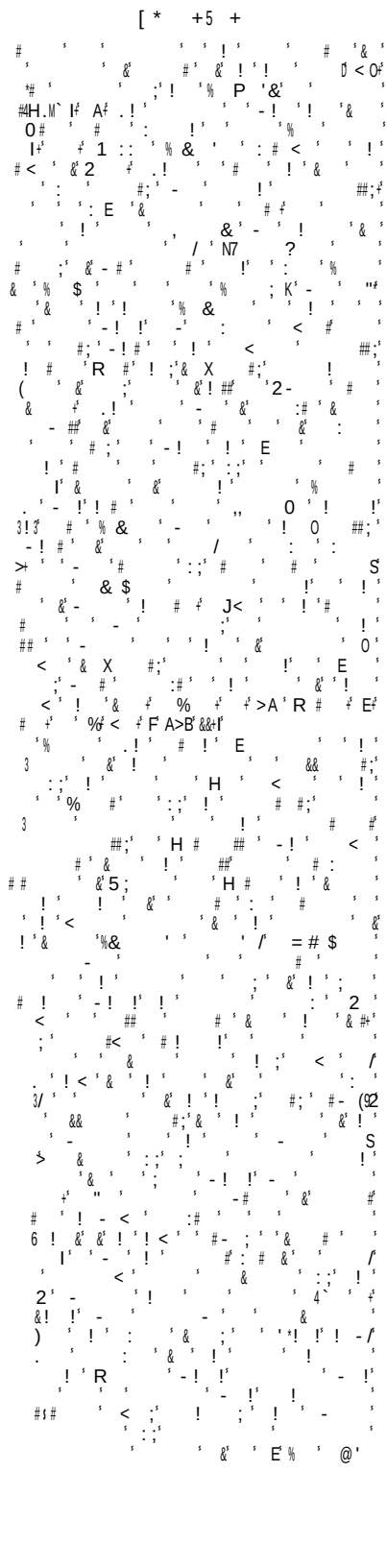

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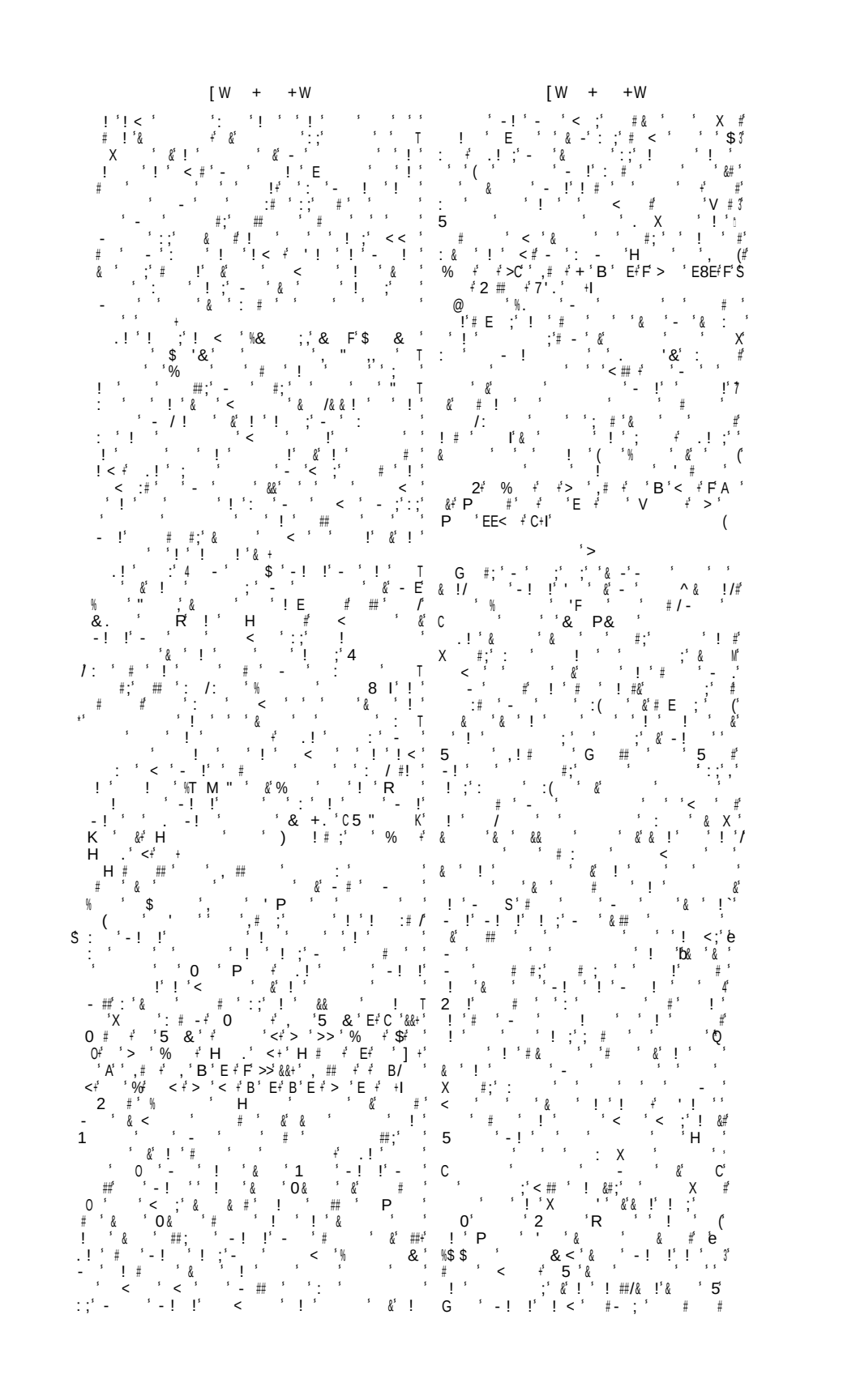

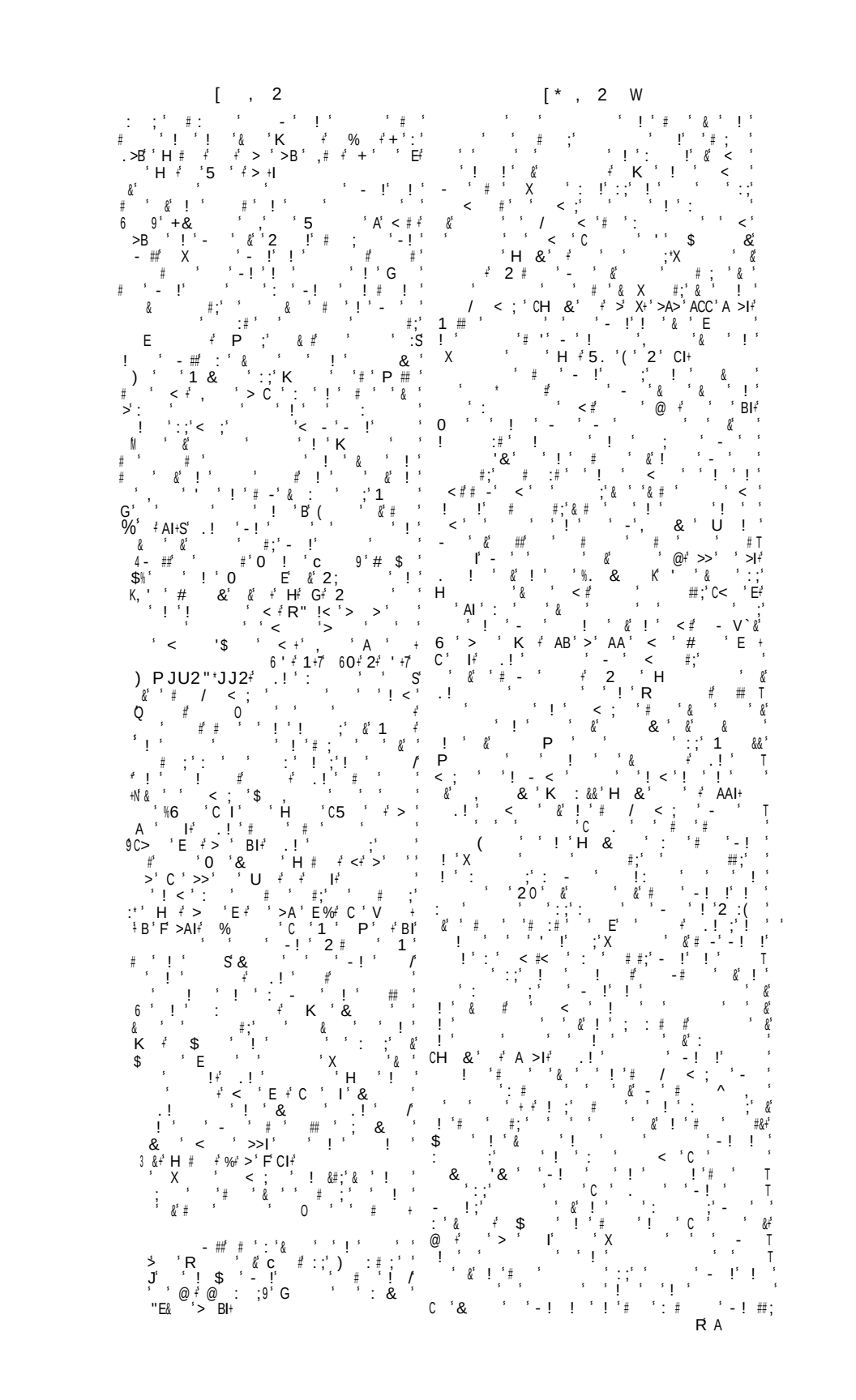

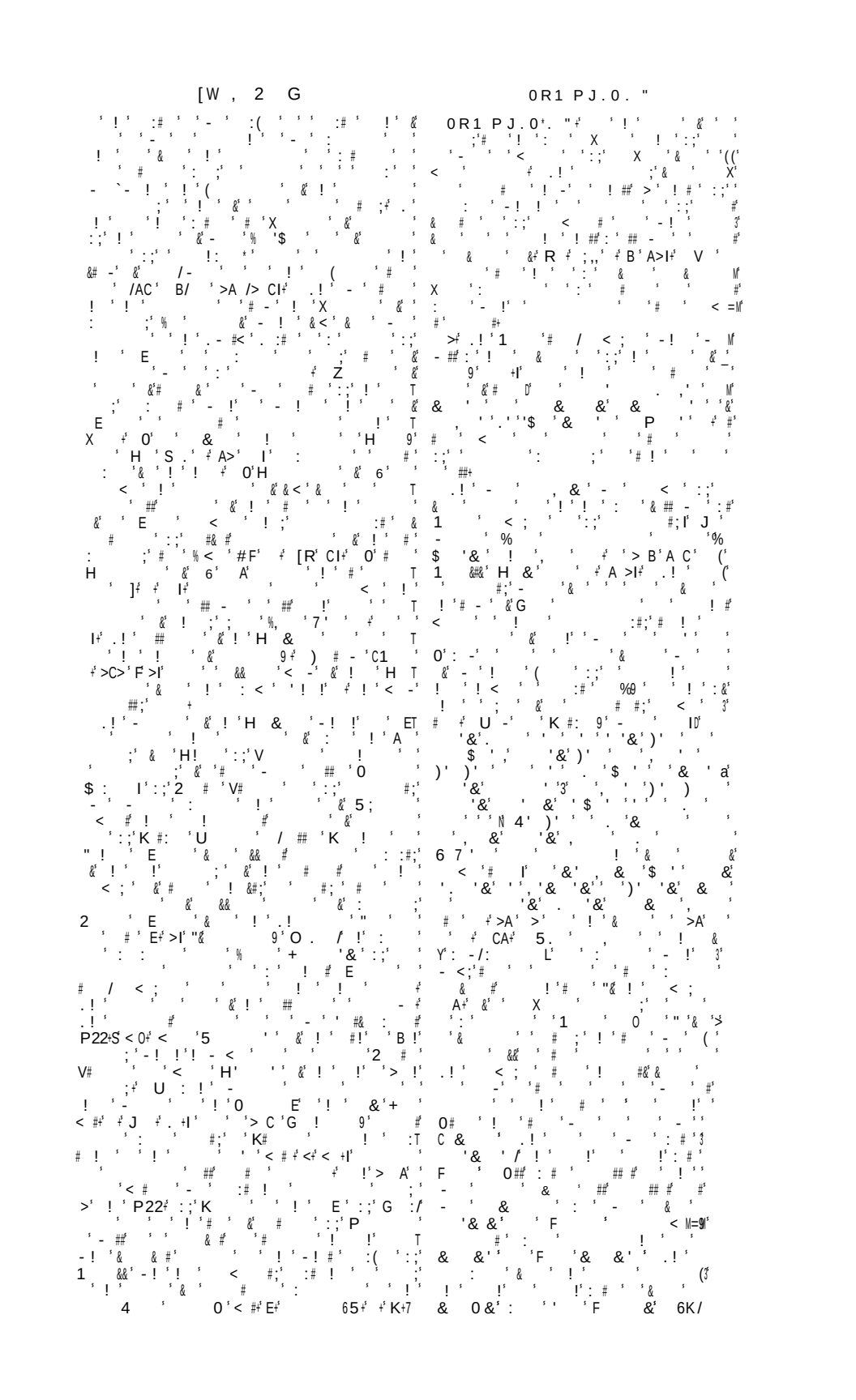

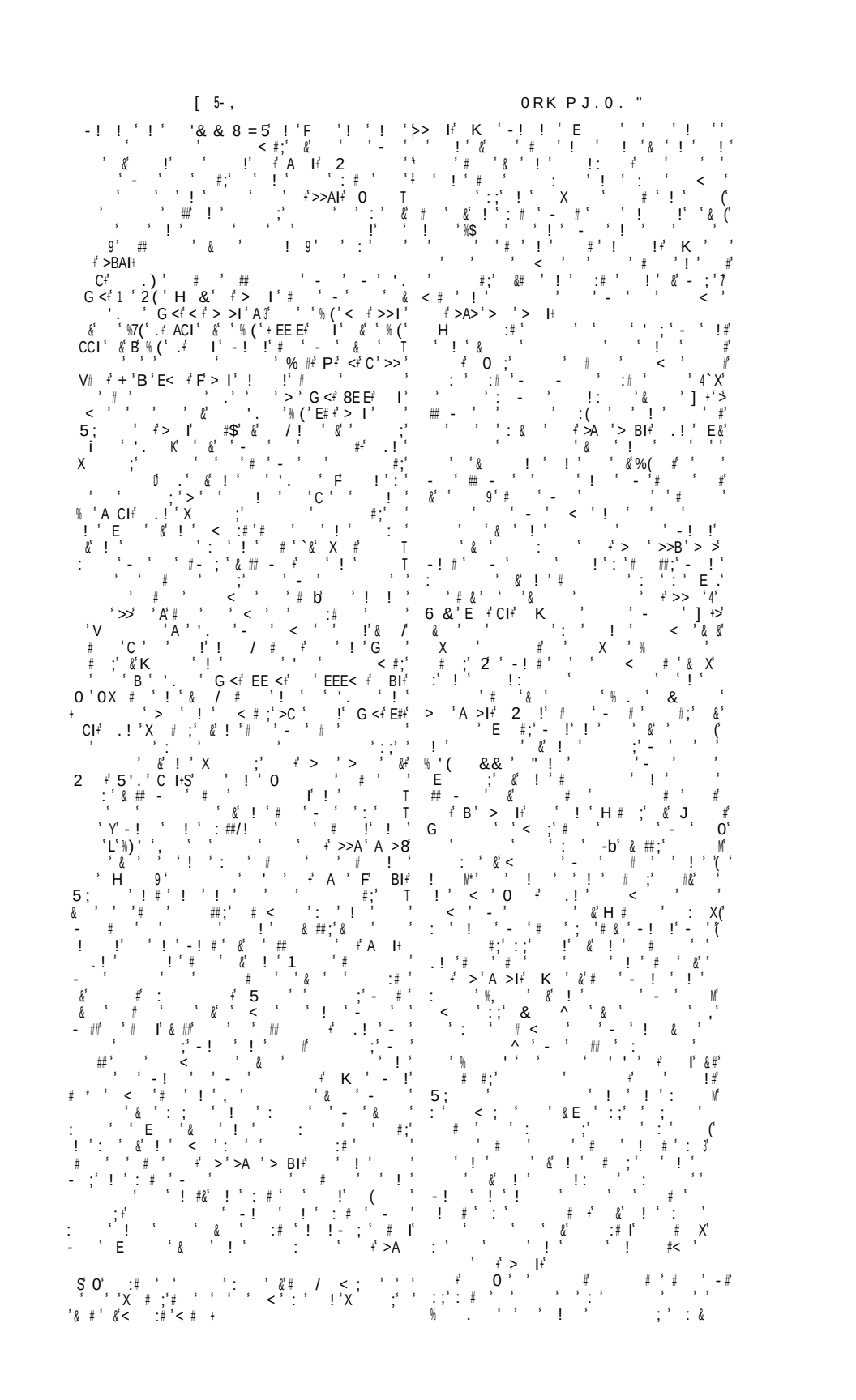

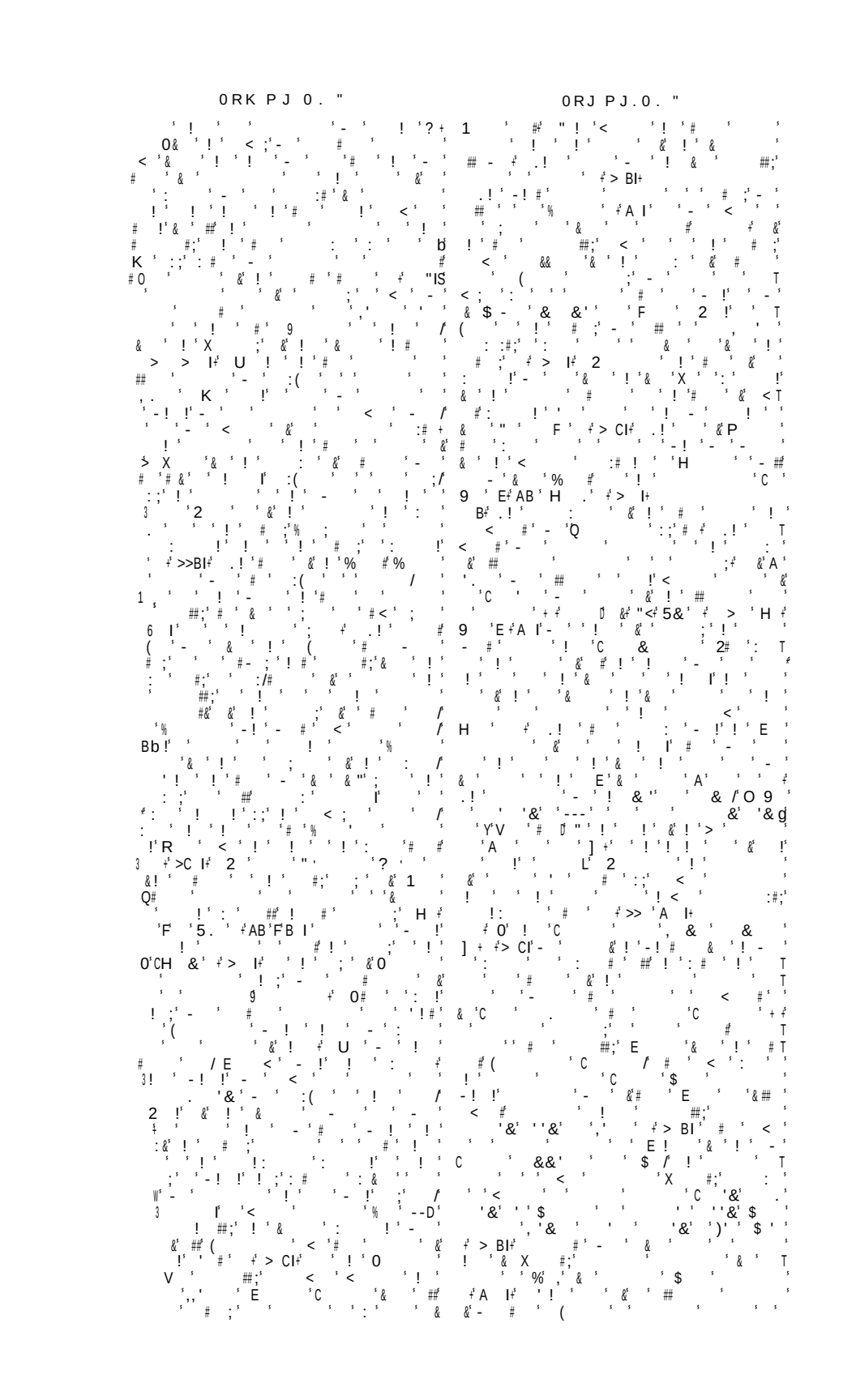

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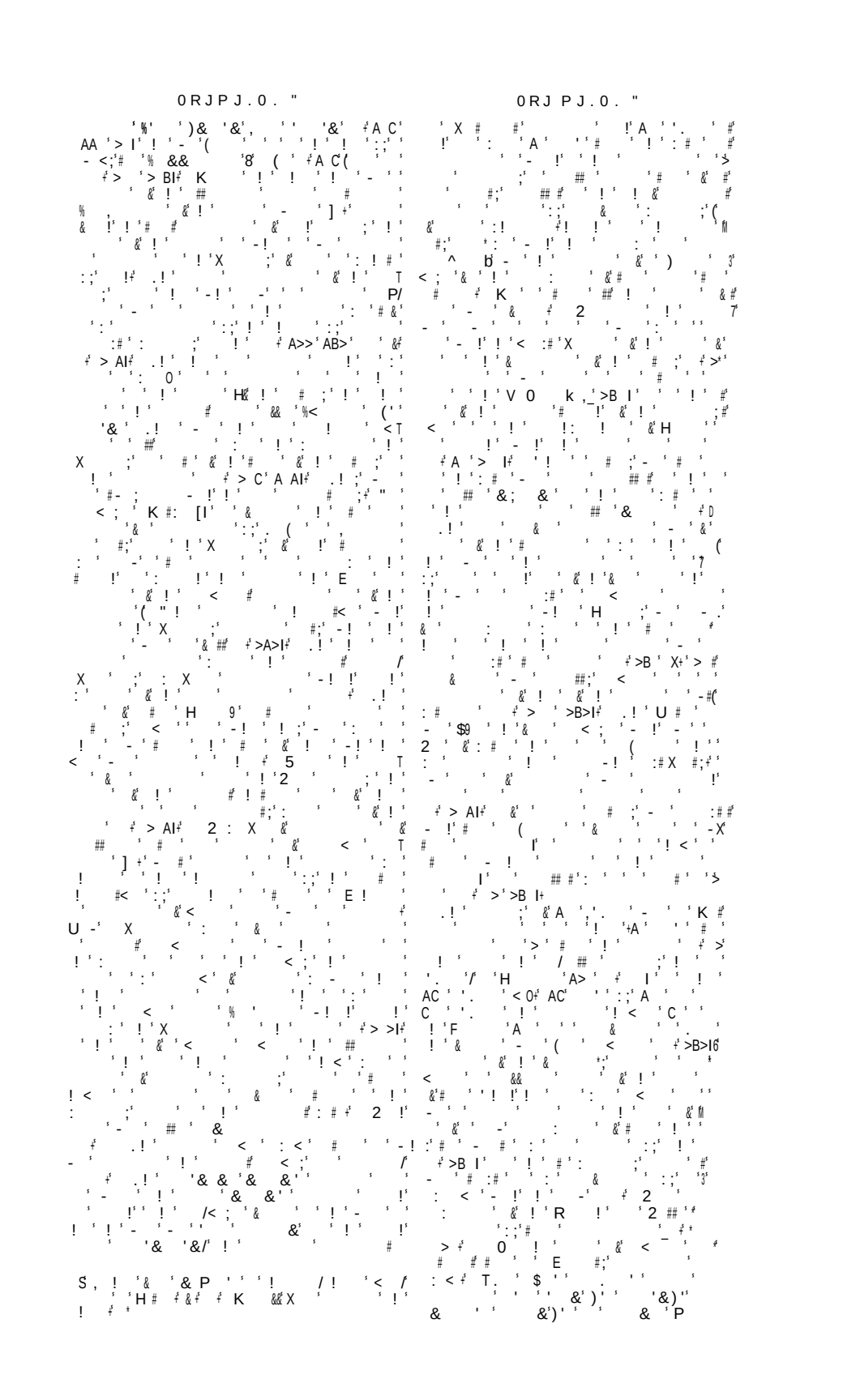

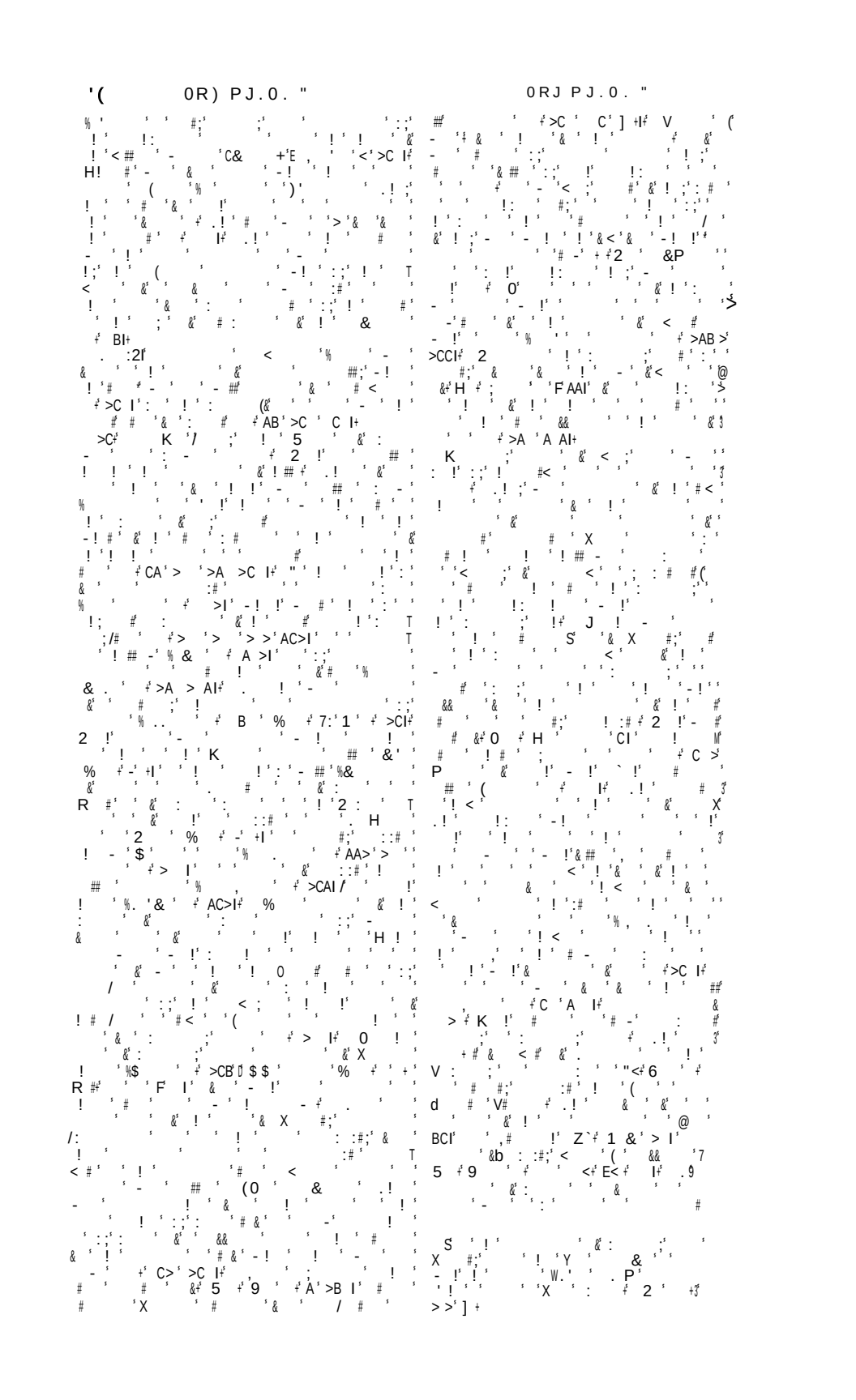

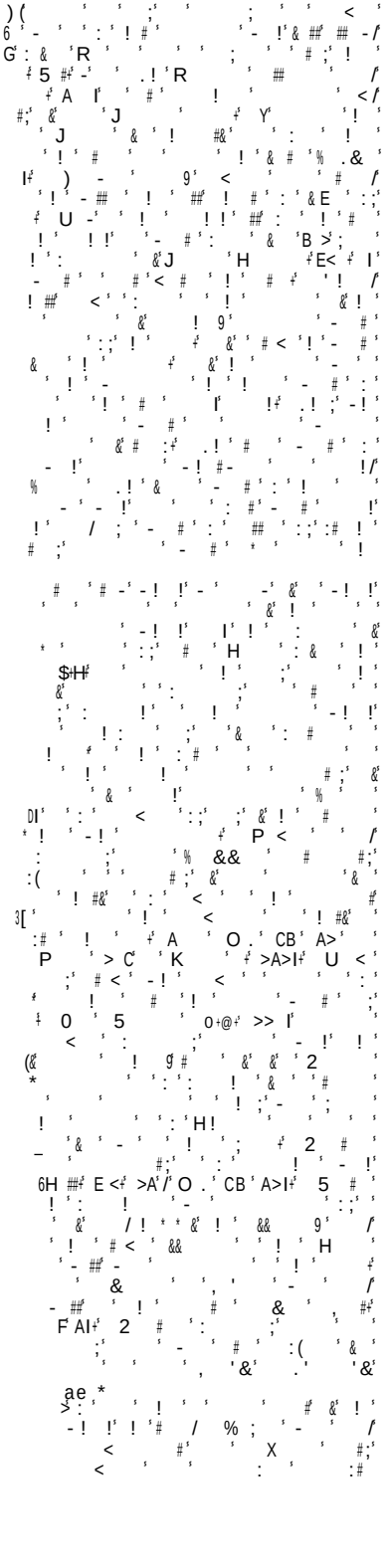

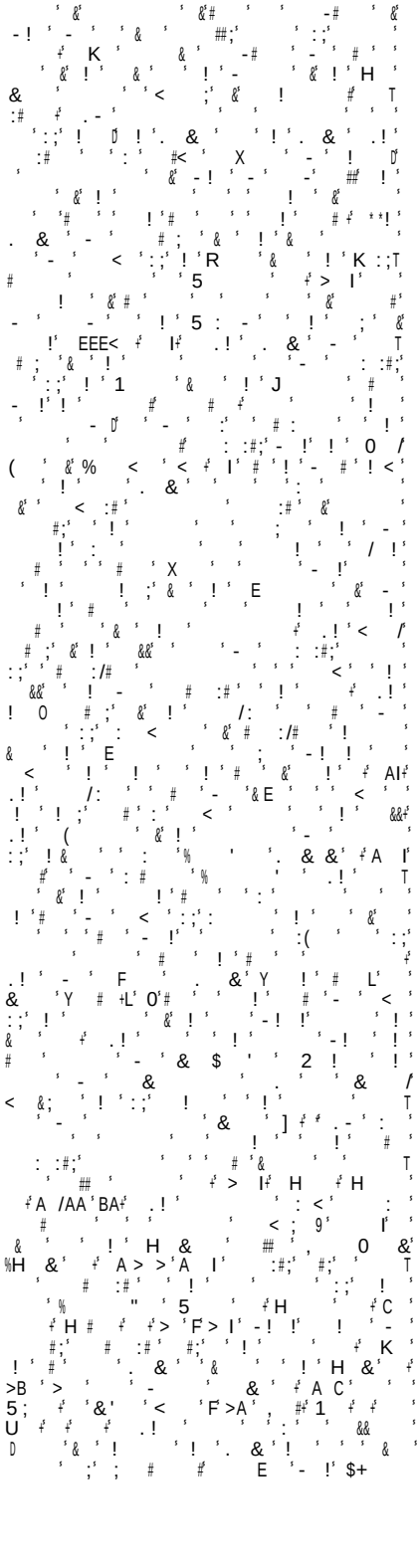

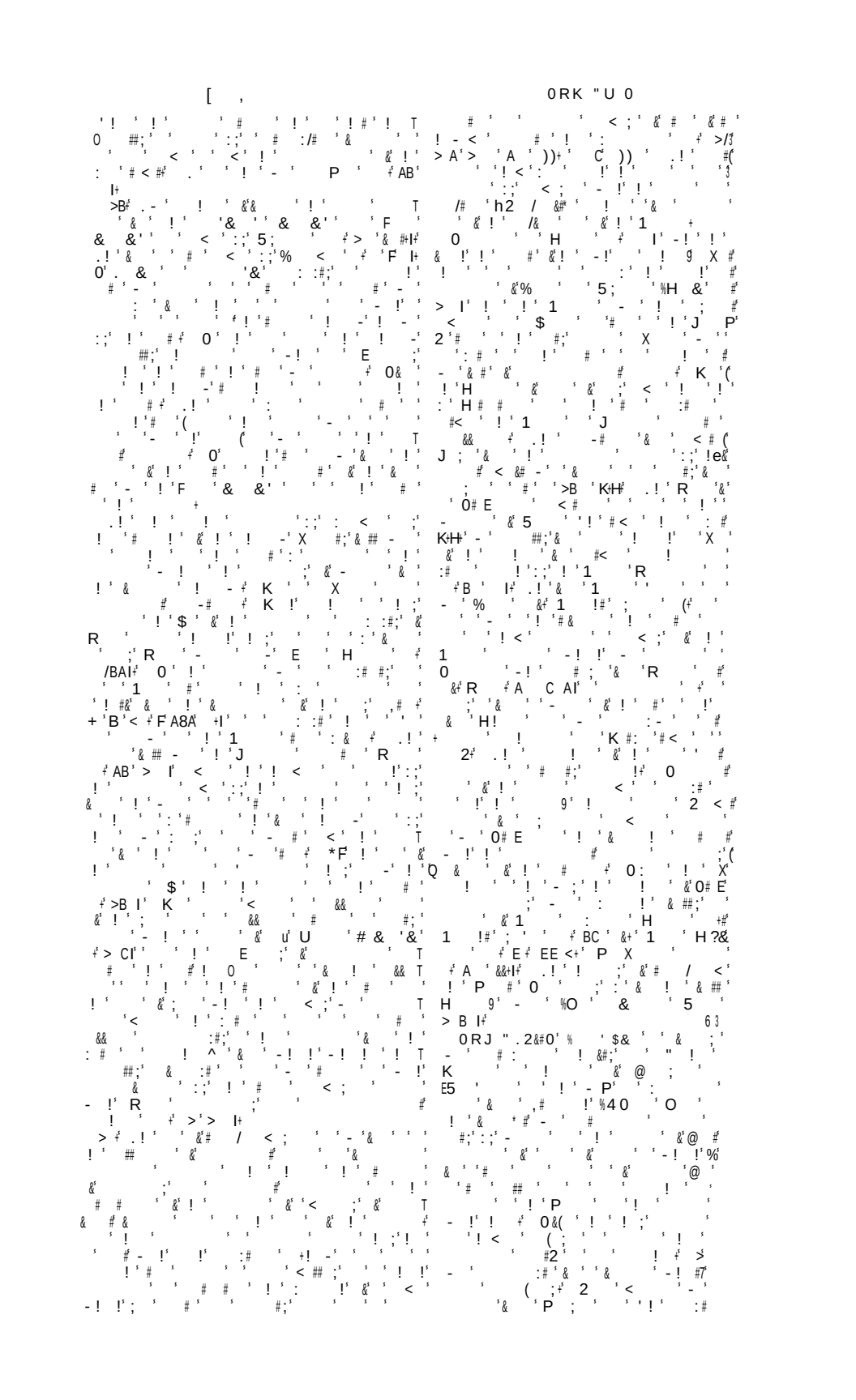

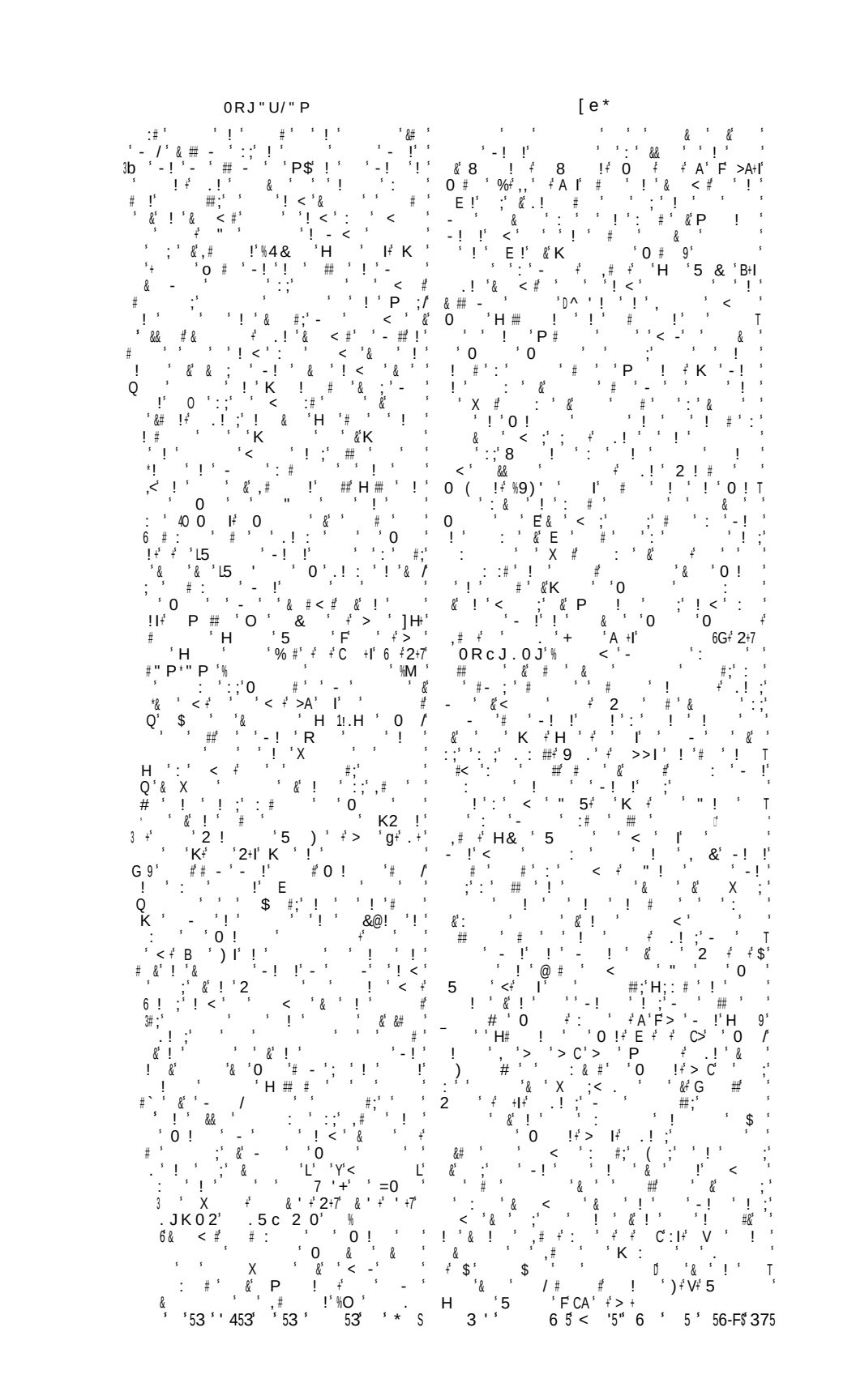

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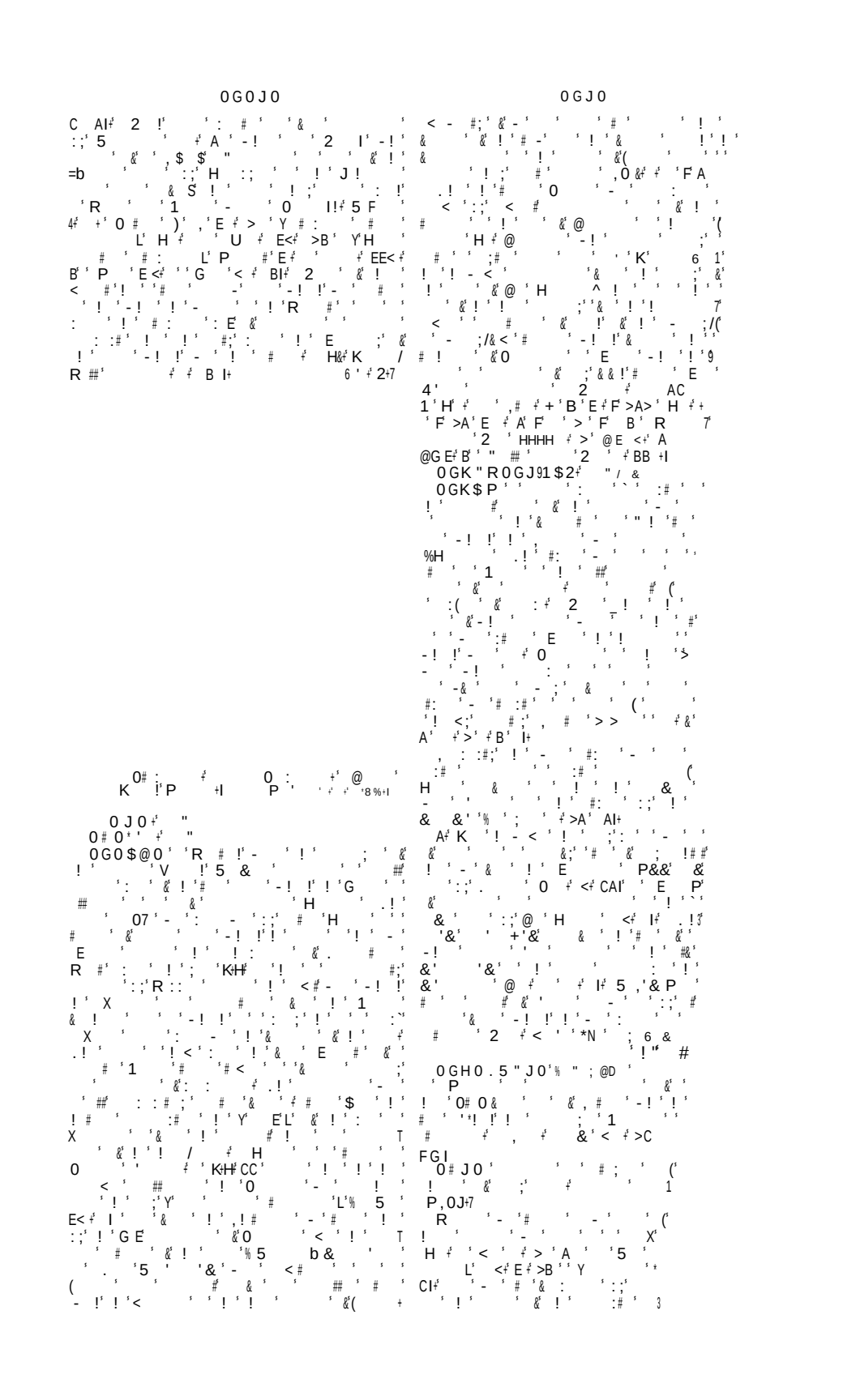

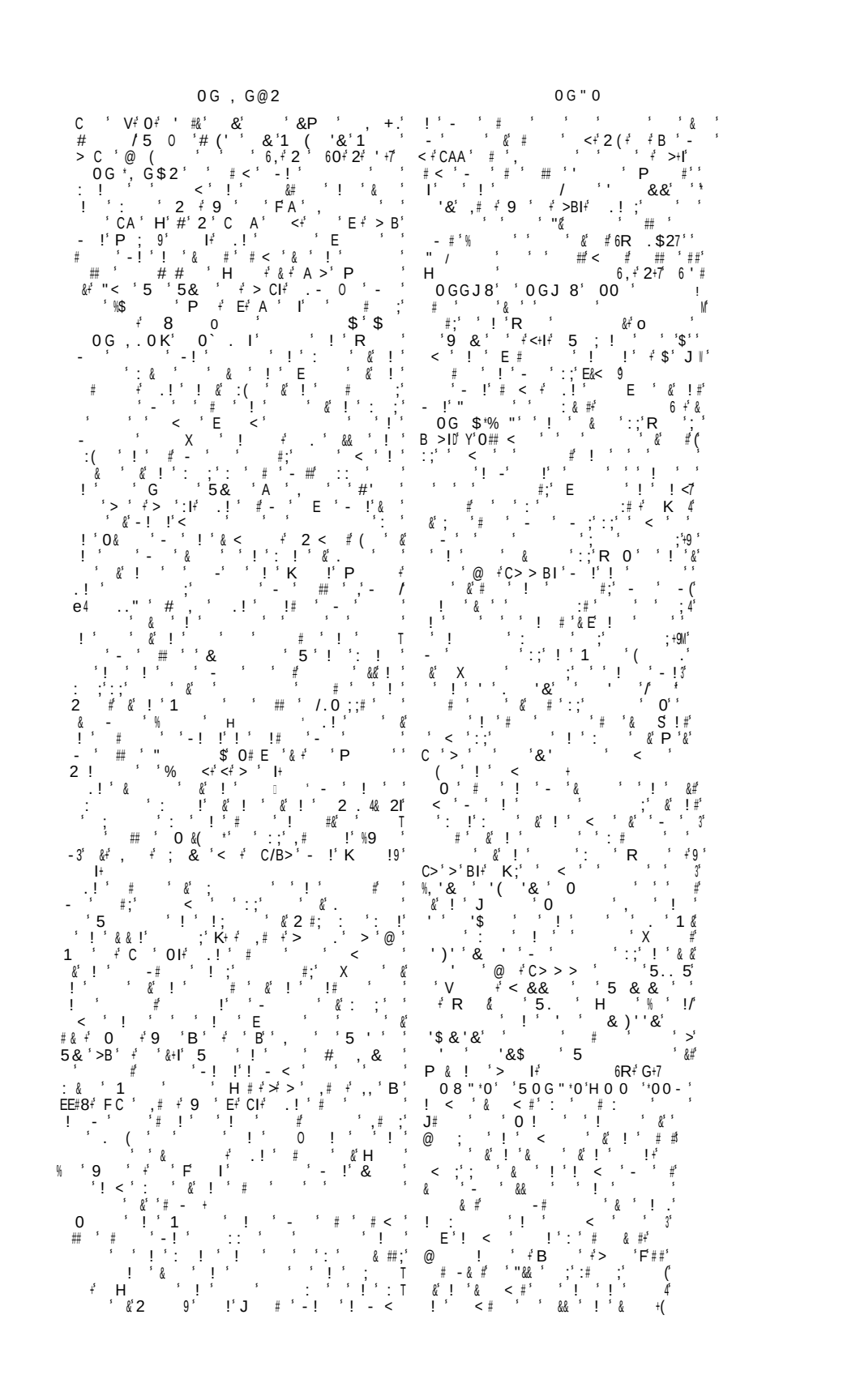

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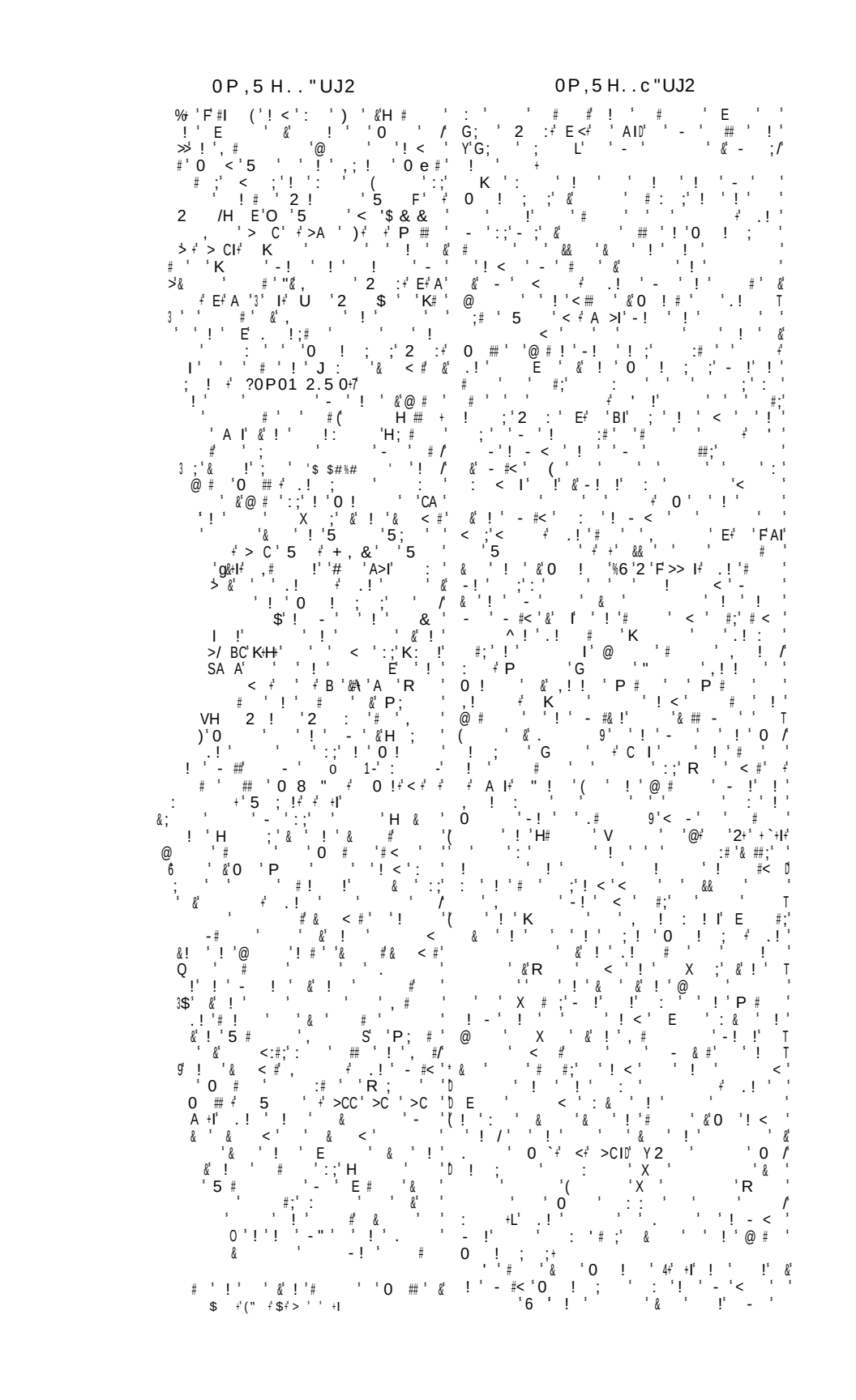

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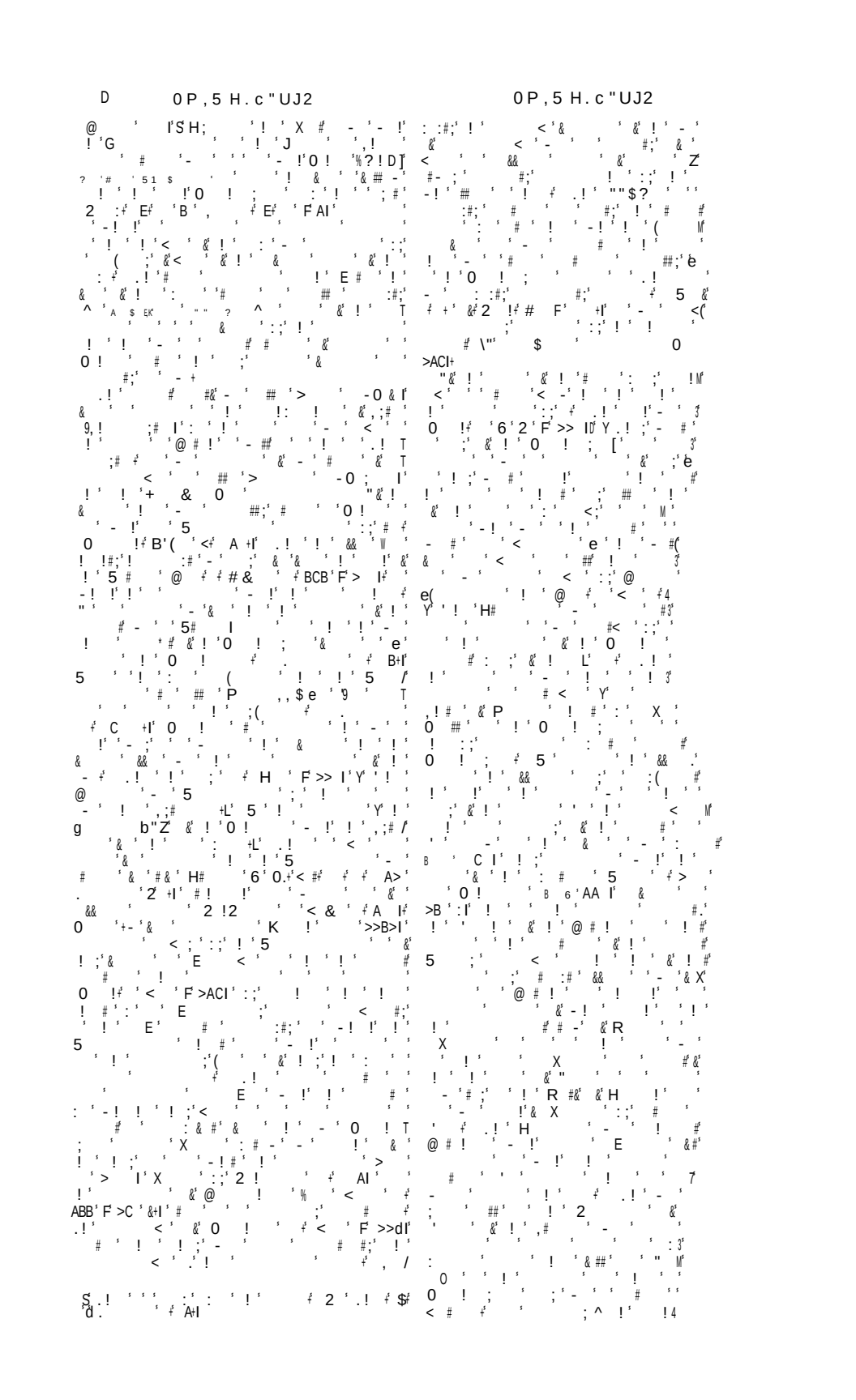
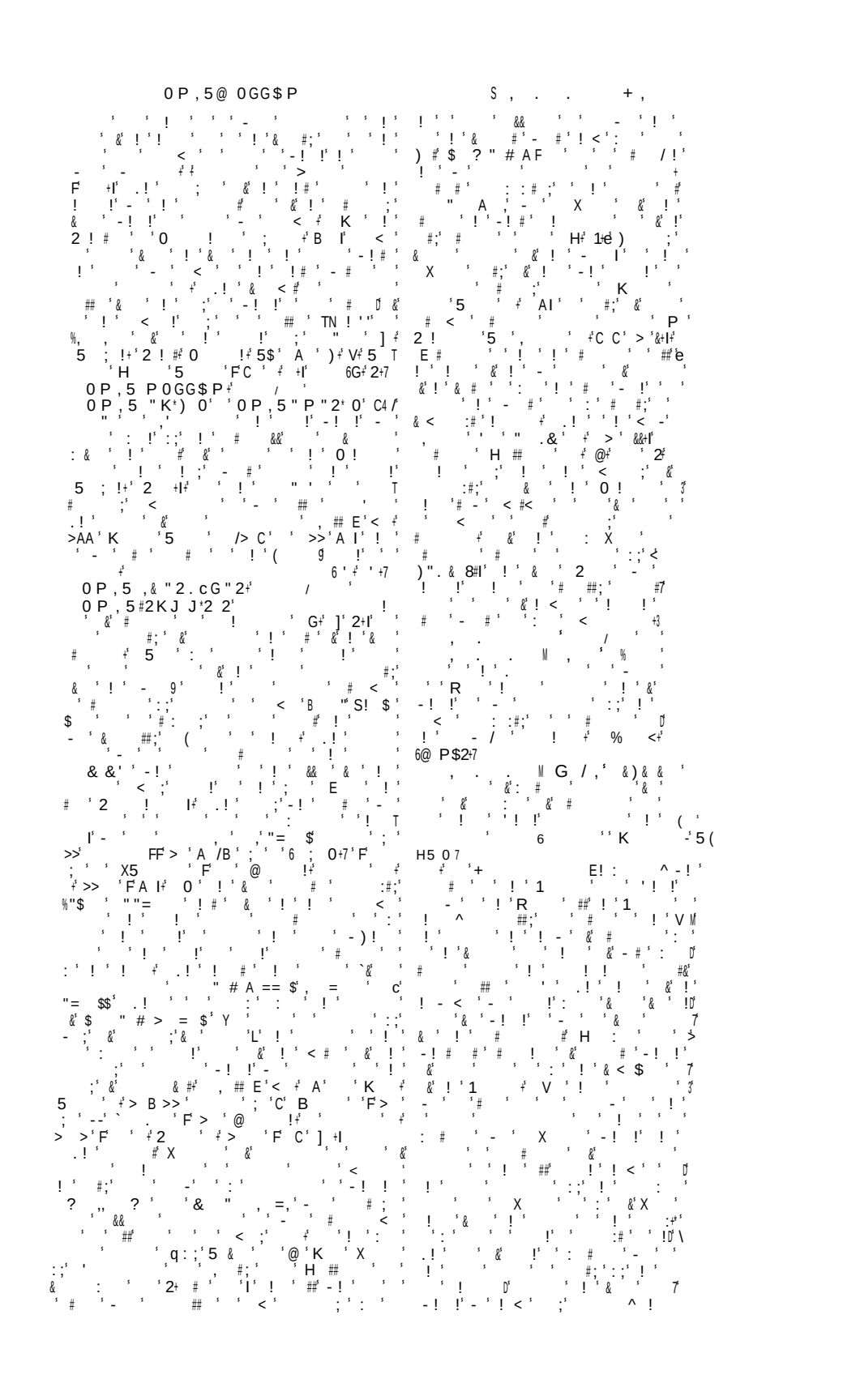
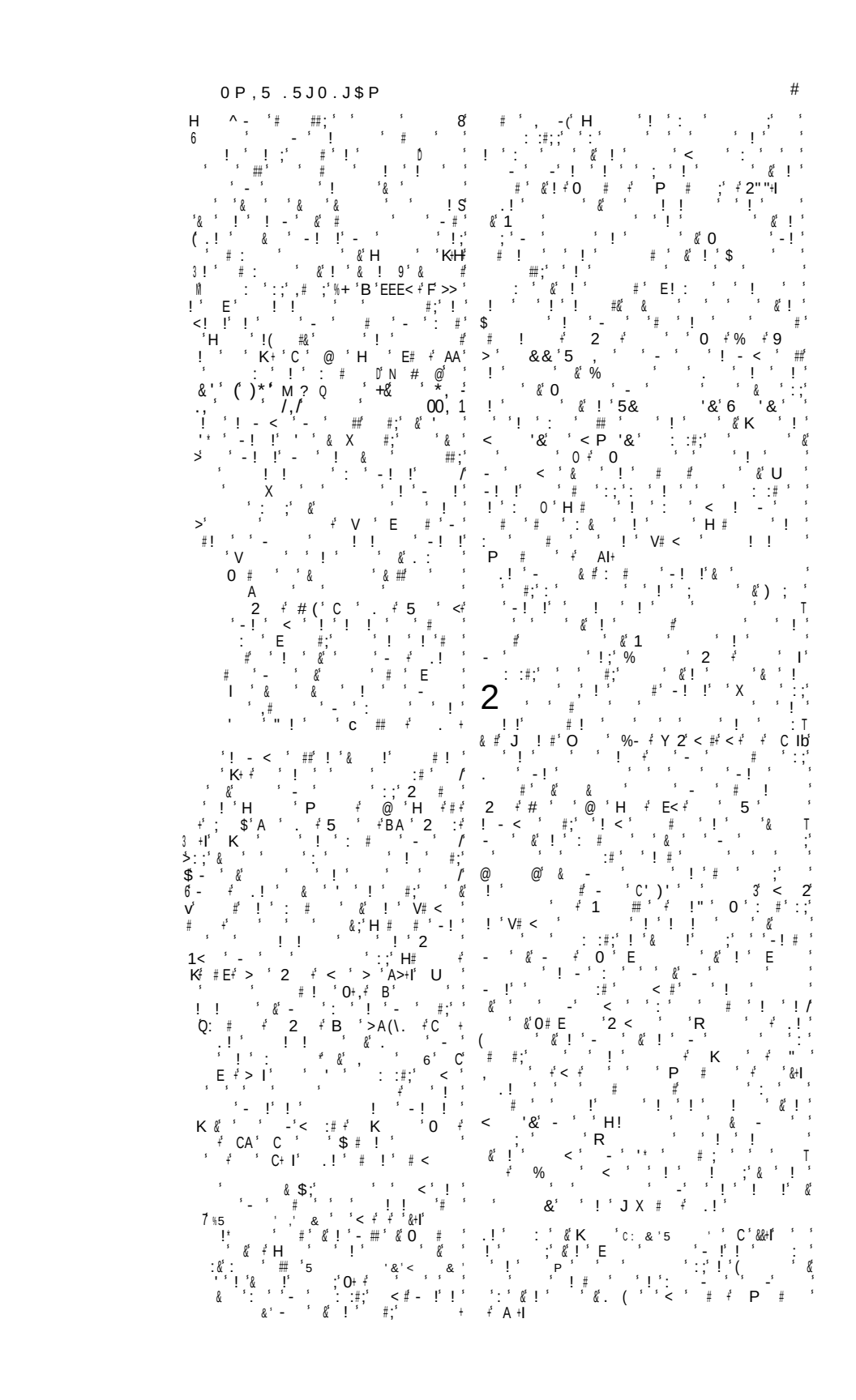
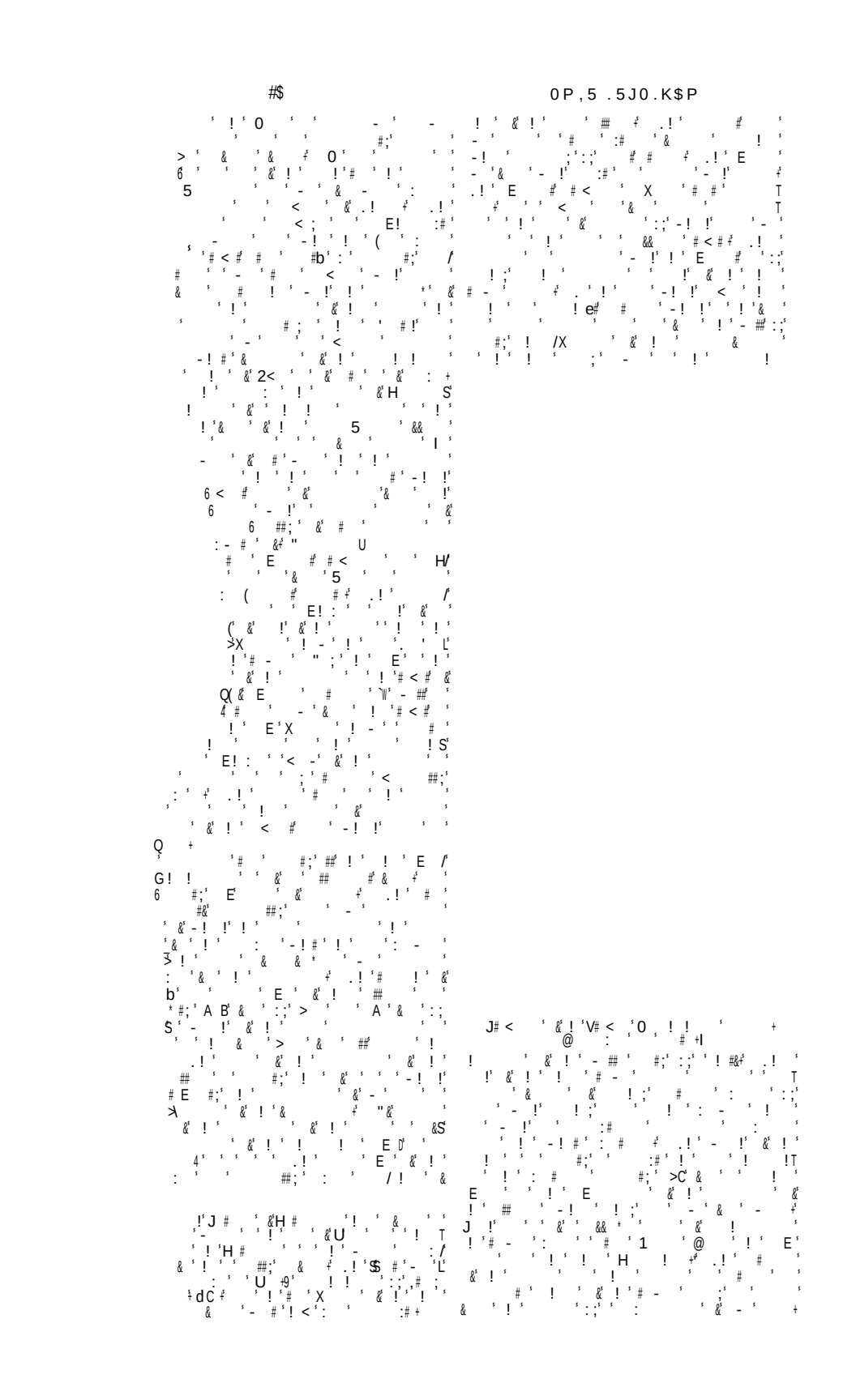
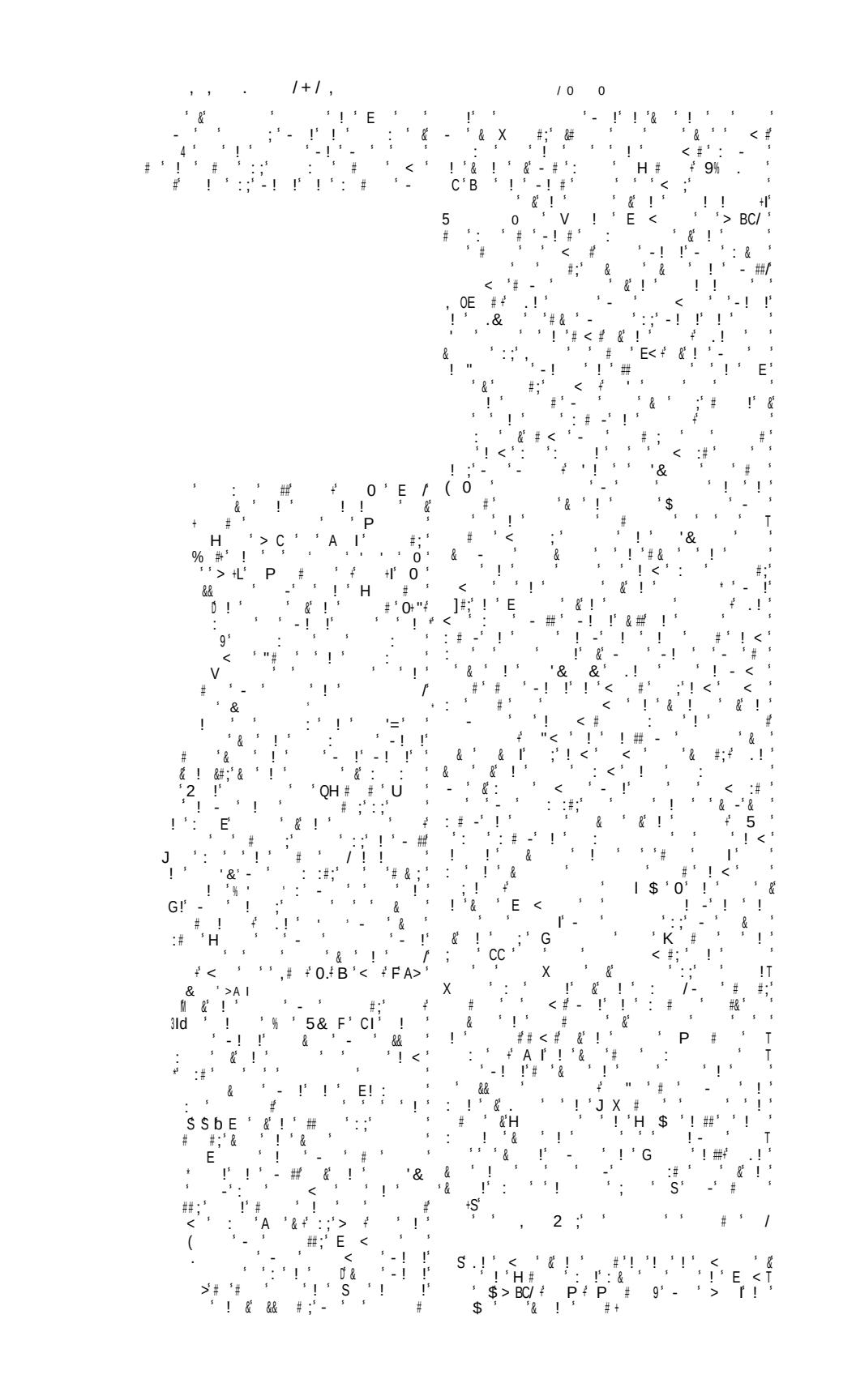










scription of the statues and other ornaments with which the amphitheatre was adorned; but the *velarium*, or awning, by which the spectators were sheltered from the sun, requires some explanation, which will be found under The space required for the working *velarium*, and the height necessary for it from bending down by its own weigh

Method of raising wild beasts in the Amphitheatre.

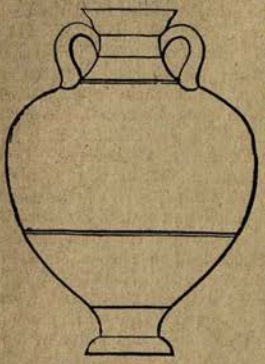
as to obstruct the view from the upper benches, are probably the reasons for the great disproportion between the height of the upper part of the amphitheatre, and the small number of spectators accommodated in that part.

The luxurious appliances of fountains of scented water to refresh the spectators, and so forth, are sufficiently described in the passage already quoted from Gibbon. (Comp. Lucan, ix. 808.)

III. *Other Amphitheatres.*—The Flavian amphitheatre, as has been already stated, was, from the time of its erection, the only one in Rome; for the obvious reason that it was sufficient for the whole population. The little *Amphitheatrum Castrense* (see p. 107, note) was probably only intended for the soldiers of the guard, who amused themselves there with fights of gladiators. But in the provincial cities, and especially the colonies, there were many amphitheatres. Indeed, it is not a little interesting to observe the contrast between the national tastes of the Greeks and Romans, which is indicated by the f theatres in the colonies of the former, itheatres in those of the latter. The nse of their construction would, rally prevent the erection of ings as the Coliseum. (Cassiod. rovincial amphitheatres were, earlier ones at Rome itself, wood, such as those at already mentioned. Of these wooden amphitheatres there a no remains; but in several of the l of the Roman empire there are importa large amphitheatres of stone. The pri those at Verona, Paestum, Pompeii, an in Italy; at Nîmes, Arles, and Fréjus, i at Pola, in Istria; at Syracuse, Cat some other cities in Sicily. They ar structed on the same general princip Coliseum, from which, again, they al the absence of the outermost corri consequently, their height could not ceeded three stories; while some of had two. Of the Veronese amphith outer wall and colonnade are entirely cepting four arches; but the rest of t is almost perfect. It was built of n some quarries in the neighbourhoo complete, it had seventy-two arches circle, and, of course, the same numb ing walls, with their passages an The lengths of the axes of the outer 500 and 404 feet; those of the ar 146. It was probably built und and Nerva. (Maffei, *Verona Illus* next in importance is that at Nîm diameter of which is 437 feet wh the thickness of the walls. The e which is nearly perfect, consists story and upper story, each pier arches, and is surmounted by height, from the level of the g

the amphora among the Egyptians, in Sir G. Wilkinson's *Ancient Egyptians*, vol. ii. pp. 157–160.

The amphorae intended for purposes of decoration were furnished with a base, and were generally adorned with figures representing some scene from mythology or from ordinary life. They differed chiefly in the shape of the body and in the form of the handles, which were sometimes plain, sometimes ridged or grooved. The most ancient form is styled "Egyptian;" it has plain handles, and the shoulders of the vase are rounded, so as to meet the neck at almost right angles. The second, or archaic Greek style, is called "Tyrrhene." It has a fuller body and a thicker neck, and the greatest diameter of the vase is about half its height.



Tyrrhene Amphora. (Dennis, *Etruria*.)

To the class of decorated amphorae belong the Panathenaic amphorae, or amphorae given as prizes in the games at the Panathenaic festival and containing the holy oil. These had on one side a figure of Athene Promachos, with helmet, shield and spear, in the attitude of attack, with the inscription τῶν Ἀθήνηθεν ἄθλων εἰμί; on the other, a representation of the contest in which the prize had been gained.

Panathenaic Amphora. (British Museum.)

The "Nolan" amphora excels in simplicity and purity of design, as well as beauty of execution. It has red figures, on the black ground of the vase. It is slighter and more elegant than the forms already described. It is found not only at Nola, but in Sicily and Etruria. (For details, see Dennis, *Etruria*, vol. i. p. cix.)

Nolan Amphora. (Dennis, *Etruria*.)

2. The name *amphora* was also applied both by the Greeks and the Romans to a definite measure of capacity, which, however, was different among the two peoples, the Roman amphora being only two-thirds of the Greek ἀμφορεύς. In both cases the word appears to be an abbreviation, the full phrase being in Greek ἀμφορεὺς μετρητής (*the standard amphora*), and in Latin *amphora quadrantal* (*the cubic amphora*). ("Quadrantal vocabant antiqui amphoram," *Fest.* p. 258.) Respecting the measures themselves, see METRETES, QUADRANTAL. At Rome a standard amphora, called *amphora Capitolina*, was kept in the temple of Jupiter on the Capitol (Rhemn. Fann. *de Pond.* 61; Capitol. *Maxim.* 4). The size of ships was estimated by amphorae (Cic. *Fam.* xii. 15; Liv. xxi. 63); and the produce of a vineyard was reckoned by the number of *amphorae*, or of *culei* (of twenty amphorae each), which it yielded. [P. S.] [W. S.]

AMPLIA'TIO. [JUDICIUM.]

AMPULLA (λήκυθος, βομβύλιος), a tall, slender, narrow-necked vessel, furnished with a handle. The narrow neck is described by Pliny (*Ep.* iv. 30, 6). It was used for holding perfumes and unguents, and was generally made of earthenware, sometimes however of leather, or of the precious metals (Ath. xiii. 584 f.; x. 451 d; Plut. *Sull.* 13; Mart. xiv. 110). The lekythos is found in large numbers in ancient tombs. [For details, see FUNUS.] Its usual form is represented in the annexed figure. Lekythoi were in constant use at the toilette of Greek ladies, as may be seen from their frequent

Lekythos. (British Museum.)

representation on Greek vases. The largest lekythos in the British Museum was found by Mr. Dennis in the necropolis of Gela, and is here figured. The lekythos of a later period had a broad base (Dennis, *Etruria*, vol. i. p. cxxiii.). The lekythos or ampulla was also used to hold the oil with which the body was anointed after bathing or athletic exercises. For this purpose they were regularly carried by a slave, together with the strigil, to the baths and gymnasia, and were often suspended by a strap from the wrist (Ath. x. 451 d; Poll. iii. 154, x. 62; "ampulla olearia, lenticulari forma, tereti ambitu, pressula rotunditate," Apul. *Flor.* i. 9). As such bottles frequently contained perfumed oils, we read of *ampullae cosmianae* (Mart. iii. 82, 26). Bottles of this kind are figured below (cf. Hermann, *Griech. Antiq.* iv.[3] p. 164). Such bottles were also used for holding vinegar (Plin. *H. N.* xx. § 152), and wine ("ampulla potoria," Mart. xiv. 110), especially on a journey, when the wine or water was drunk from the bottle (Mart. vi. 35; Plaut. *Merc.* v. 2, 86; Suet. *Dom.* 21).

Lekythos. (British Museum.)

Late Lekythos. (Dennis, *Etruria*.)

Lekythos. (From a relief at Athens.)

Lekythos. (From a tomb at Myra in Lycia.)

Another common use of the lekythos was to anoint the bodies of the dead. After the anointing had been performed, the vessels used were placed near the body during the laying out (*πρόθεσις*), and were then buried or burned with the corpse. Large numbers of lekythoi have been found in tombs or in a charred condition, in places where funeral-piles had been erected. (Aristoph. *Eccl.* 538, 996, 1032; Hermann, *Griech. Ant.* iv.[3] p. 364.)

The word *λήκυθος* was also used, like the Latin *ampulla*, as a synonym for exaggerated high-flown language, probably from the gurgling sound made by the oil as it issued from the flask (cf. Aristoph. *Ran.* 1200 ff.; Poll. iv. 114; Hor. *Ep.* i. 3, 14; *Ars Poët.* 97). The dealer in bottles was called *ampullarius*, and part of his business was to cover them with leather (*corium*). A bottle so covered was called *ampulla rubida*. (Plaut. *Rud.* iii. 4, 51, *Stich.* ii. 1, 77, compared with Festus, s. v. *Rubida*.) (See Becker-Göll, *Gallus*, ii. p. 377, iii. p. 149; Marquardt, *Röm. Alterth.* vii. p. 630.) On the use of the ampulla in the Christian church for containing the wine and water used at the altar, and also for holding consecrated oil or chrism, see *Dict. of Christian Antiq.*, s. v. [J. H. O.] [W. S.]

AMPYX (*ἄμπυξ*), a frontlet, or band, worn by Greek ladies to confine the hair, passing round the front of the head and fastening behind. It appears generally to have consisted of a plate of gold or silver, often richly worked and adorned with precious stones. Artemis (Eur. *Hec.* 465) wears a *χρυσέα ἄμπυξ*, and the epithet *χρυσάμπυκες* is applied by the poets to the Muses, Hours, and Fates, while the Scholiast (Eur. *l. c.*) explains it as *κόσμος τις χρυσῷ καὶ λίθοις πεποικιλμένος*. (*Il.* xxii. 468–470; Theocr. i. 33.) It appears in the festive scenes represented on Etruscan tombs as worn by females (Dennis, *Etruria*, i. pp. 307, 368, 371).

The word *ἄμπυξ* was also applied to the frontal of a horse's bridle, Lat. *frontale*, or more usually plur. *frontalia* (Plin. *H. N.* xxxvii. § 194; Liv. xxxvii. 40). In this sense the form *ἀμπυκτὴρ* also occurs (Aesch. *Theb.* 461). The *frontalia* might likewise be adorned with precious stones (Plin. *l. c.*), and were worn also by elephants (Liv. *l. c.*). In Aesch. *Suppl.* 431, there is a play on the two senses; a woman torn from sanctuary (*βρετέων*) is compared to a horse dragged by its bridle (*ἵππηδὸν ἀμπύκων*).

Hesychius (*s. v.* *Λυδίῳ νόμῳ*) supposes the men to have worn frontlets in Lydia; they were also worn by the Jews (Deut. vi. 8, xi. 18).

Ampyx or head-band.

The above woodcut exhibits the frontal on the head of Pegasus, taken from one of Sir William Hamilton's vases, in contrast with the corresponding ornament as shown on the heads of two females in the same collection. [J. Y.] [J. H. O.]

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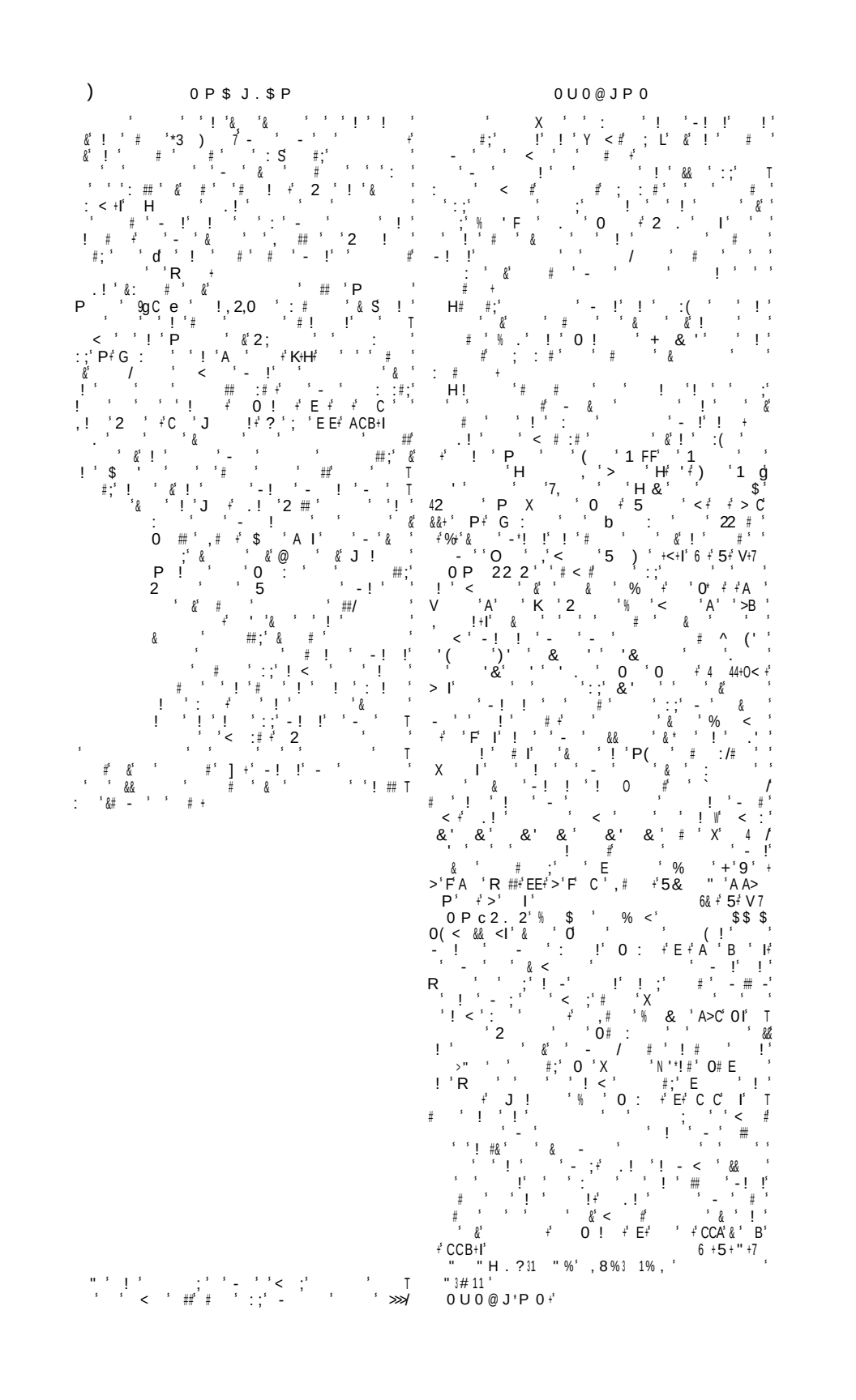

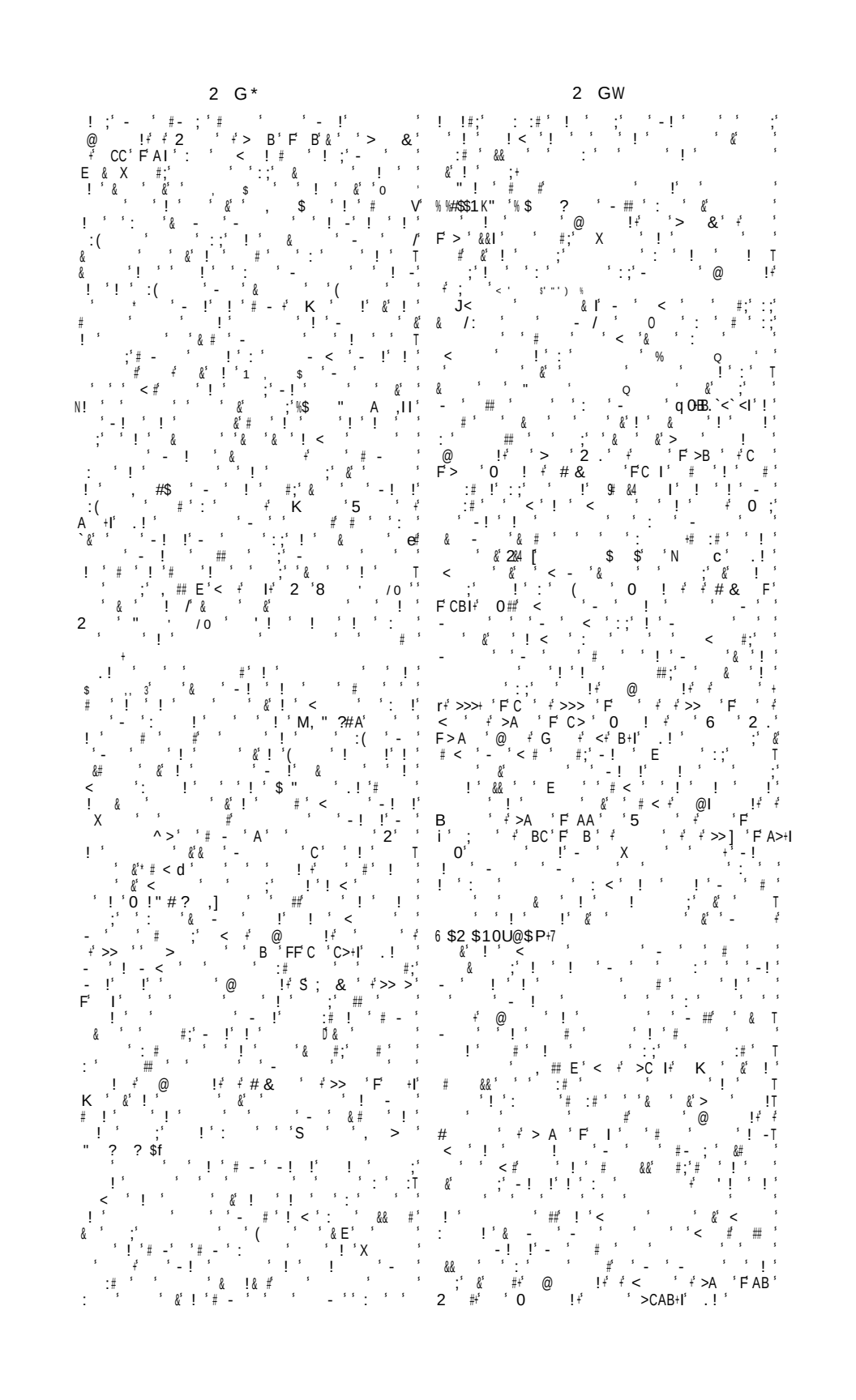

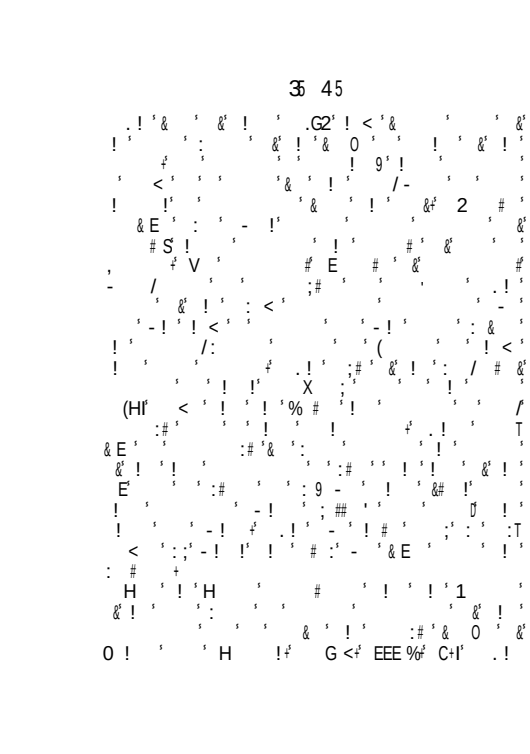

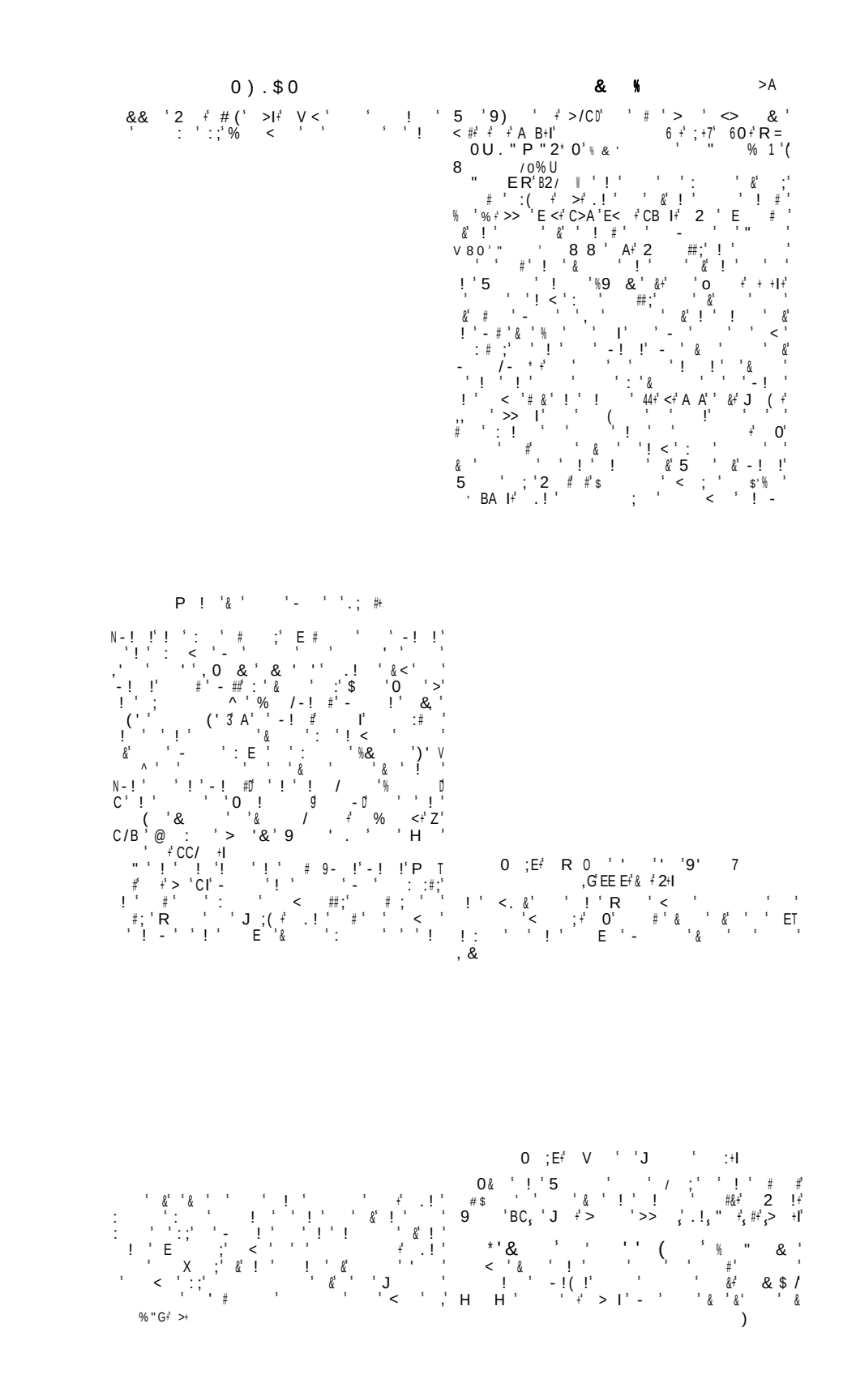

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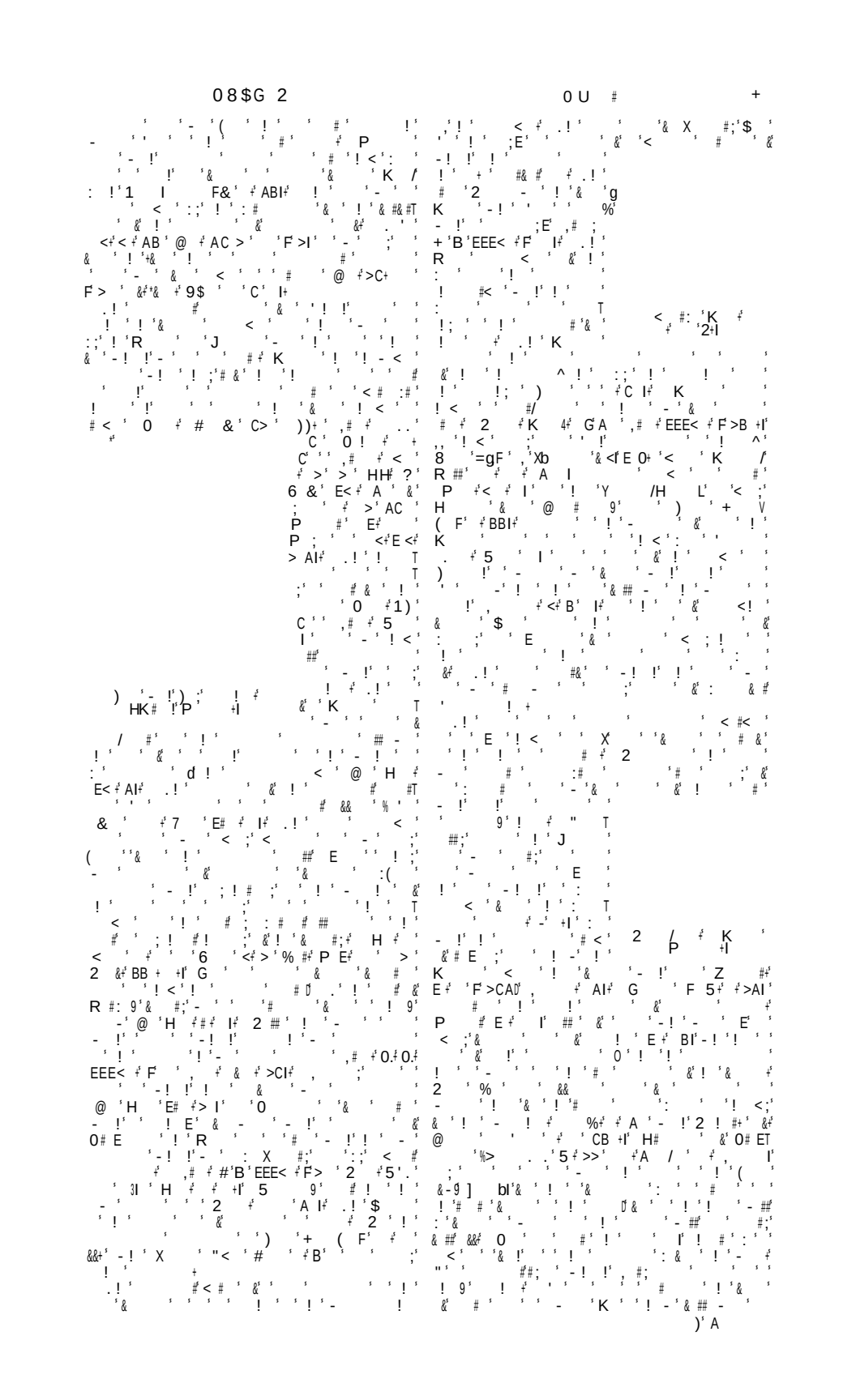

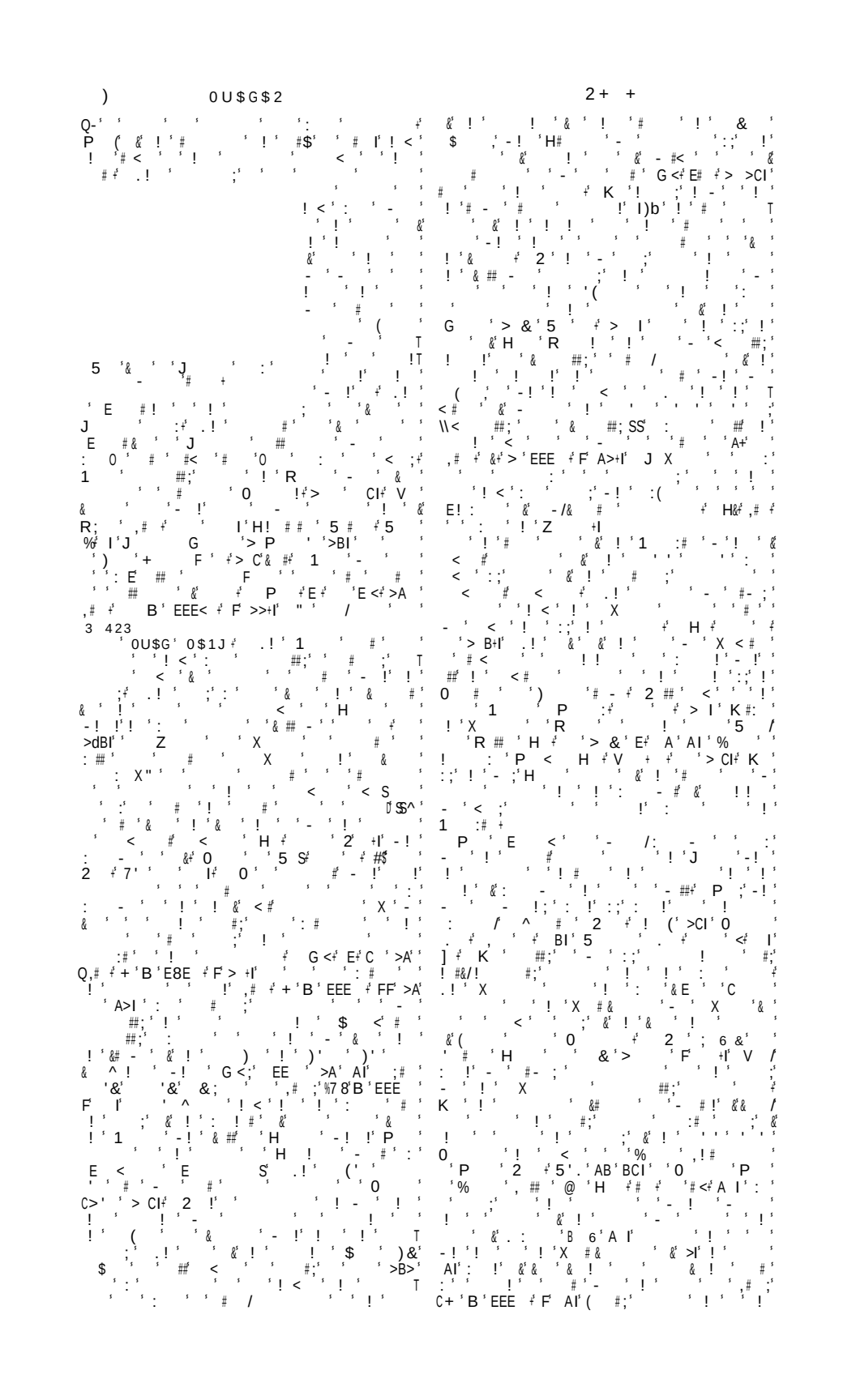

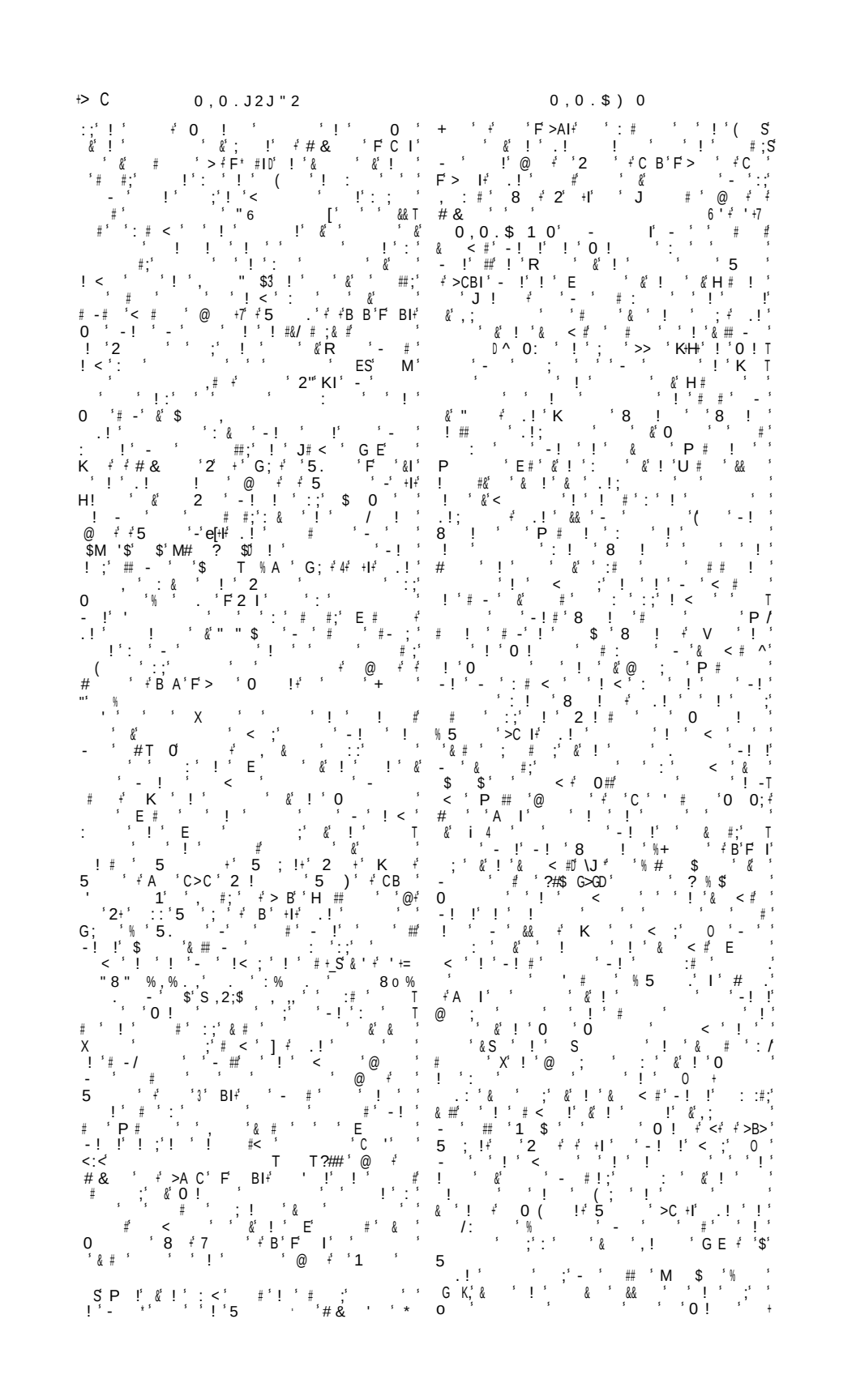

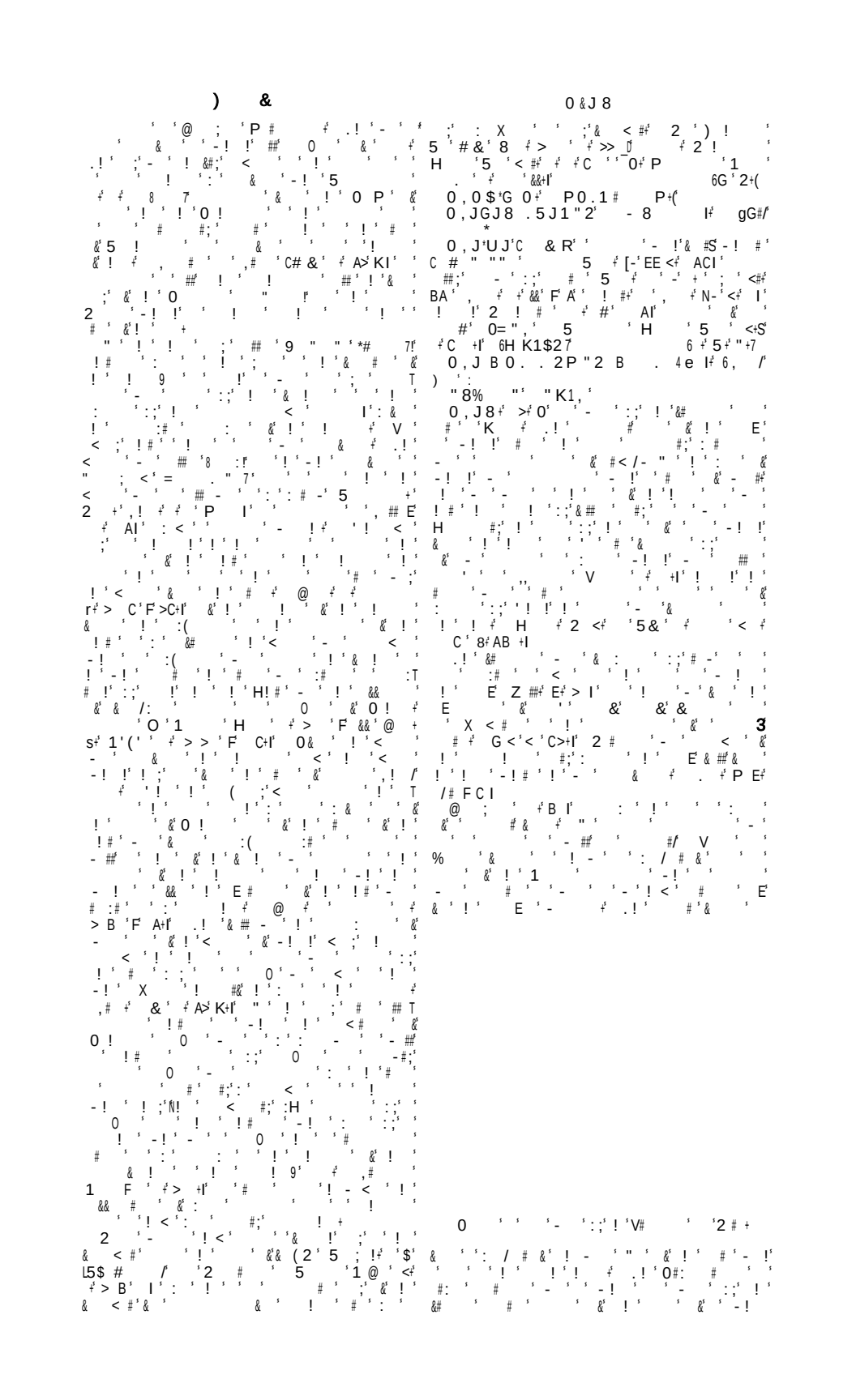

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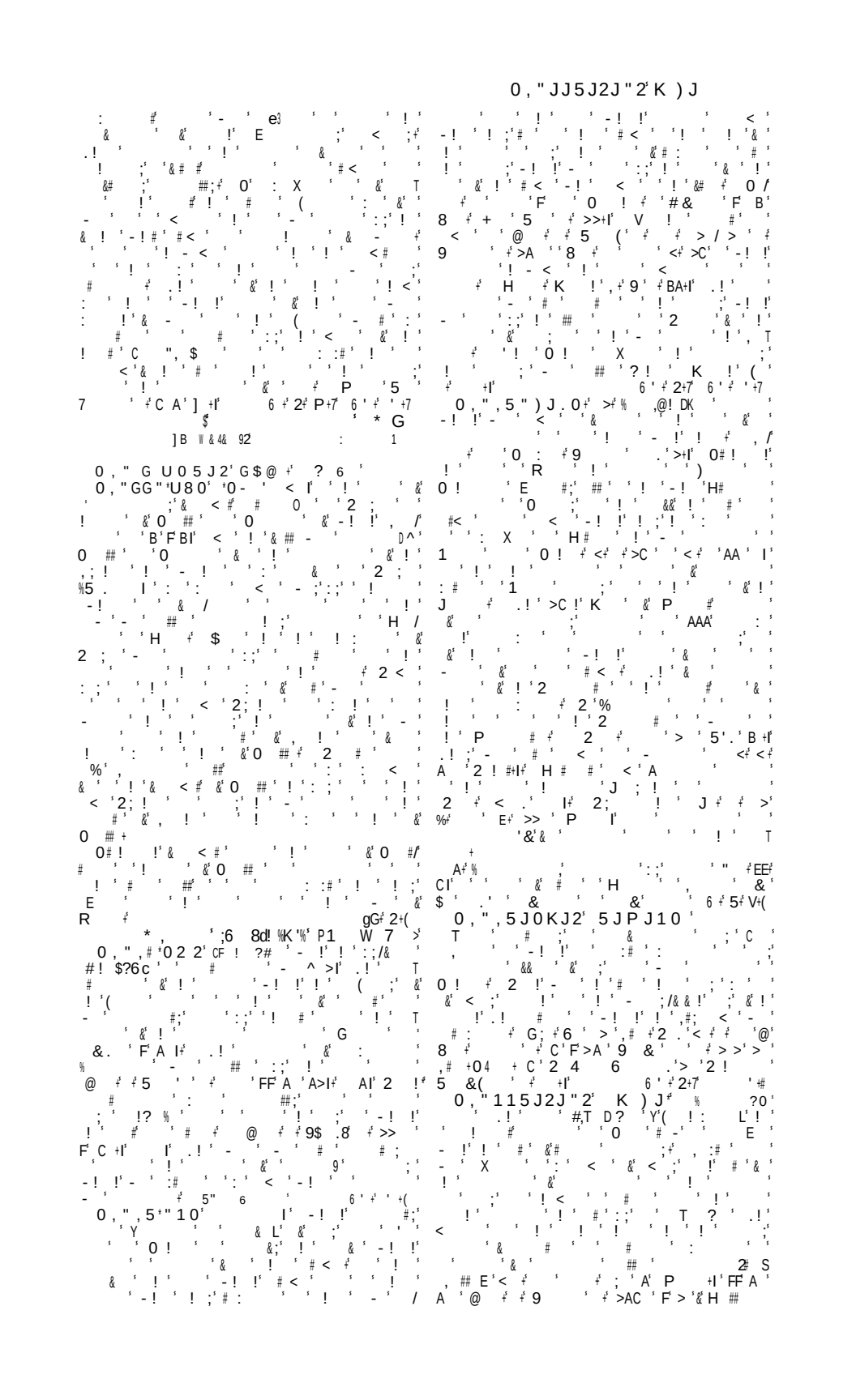

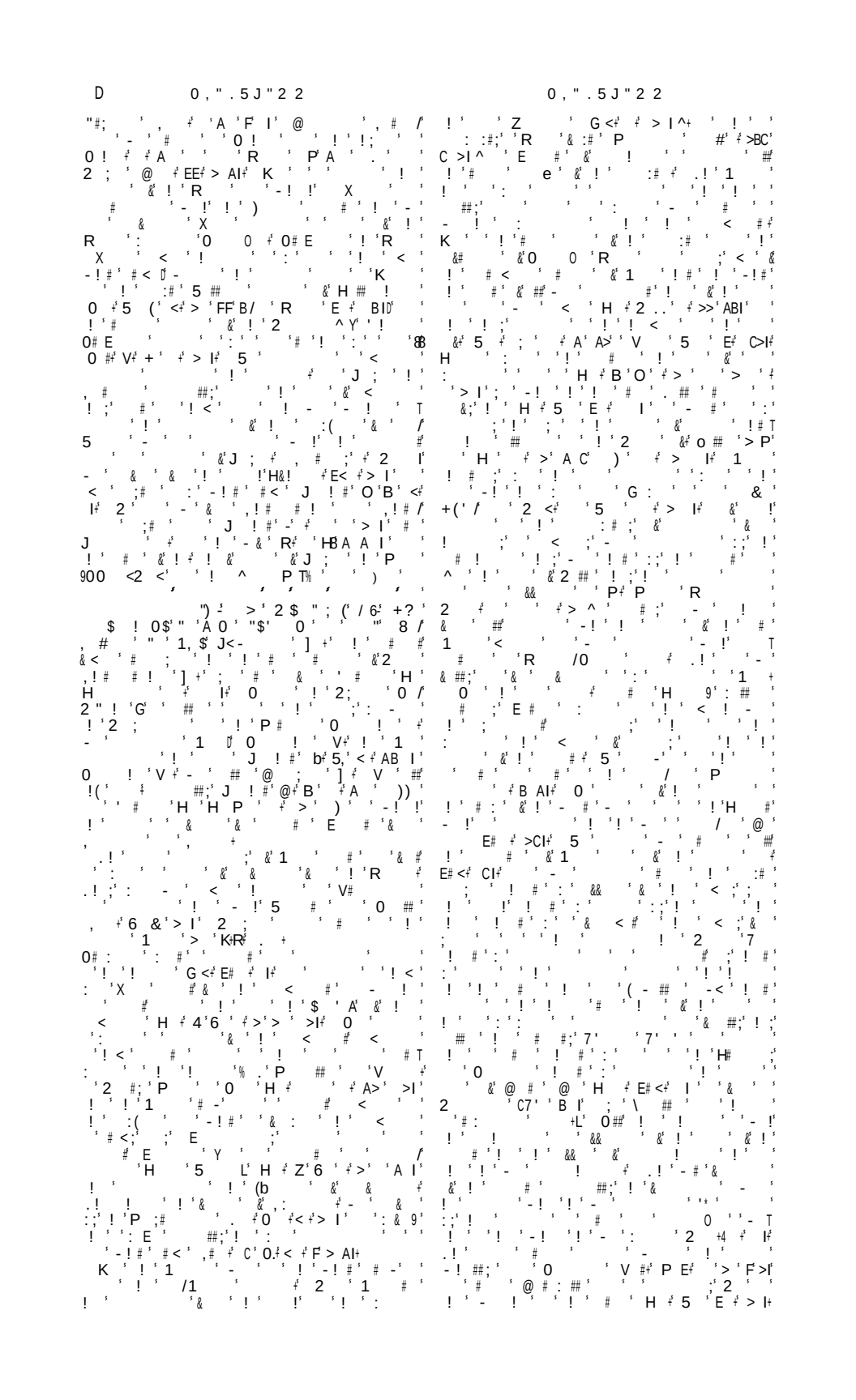

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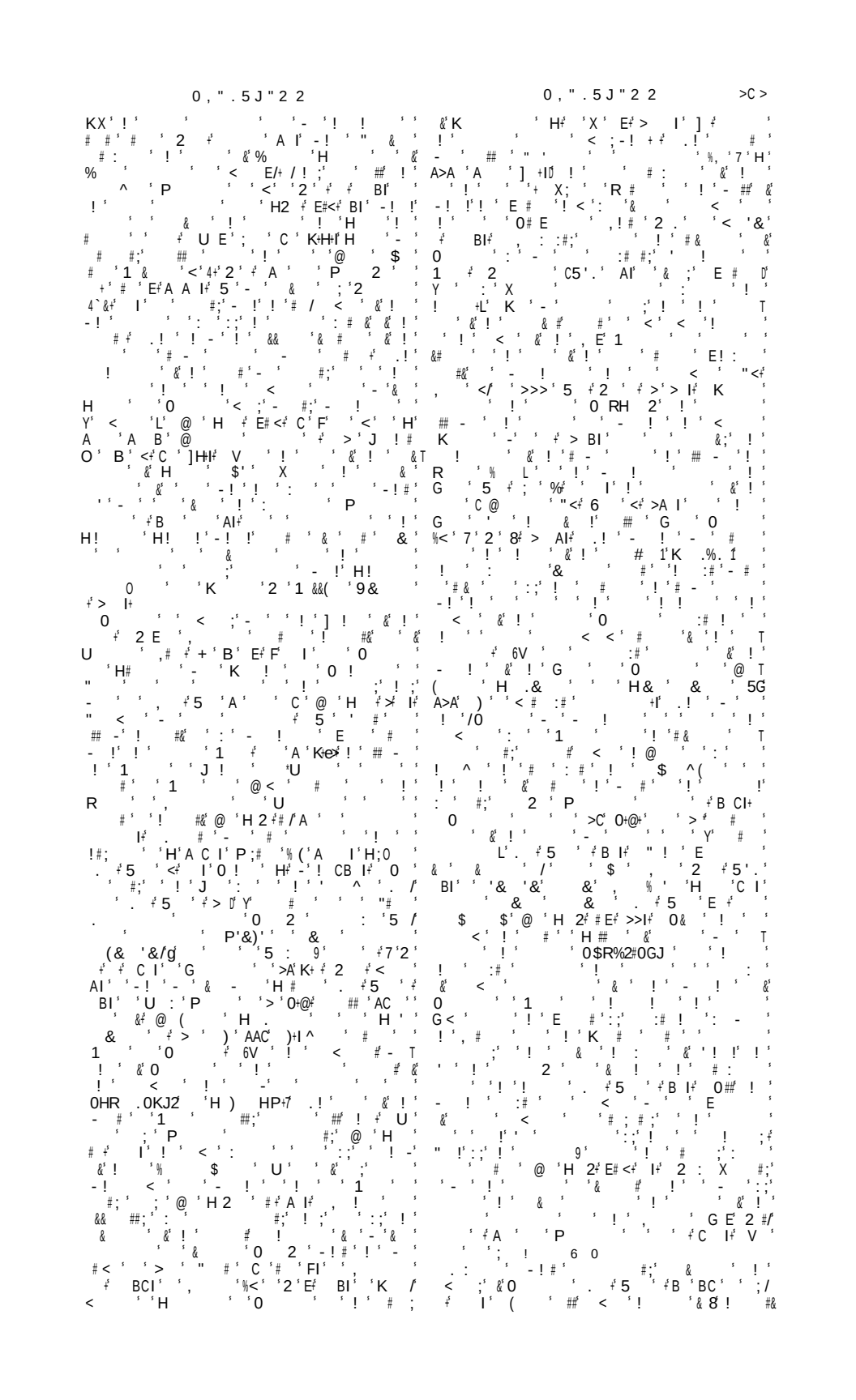

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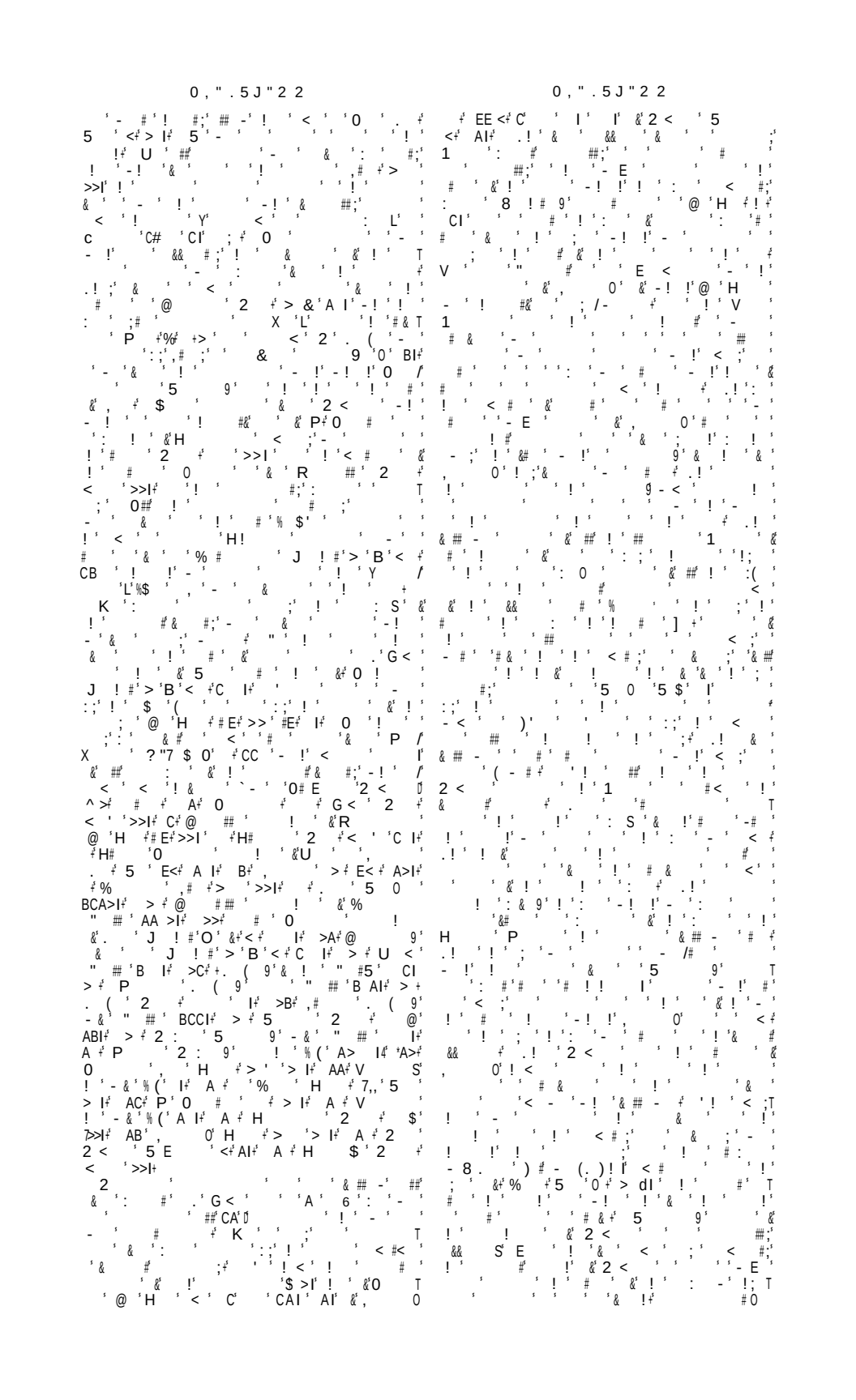

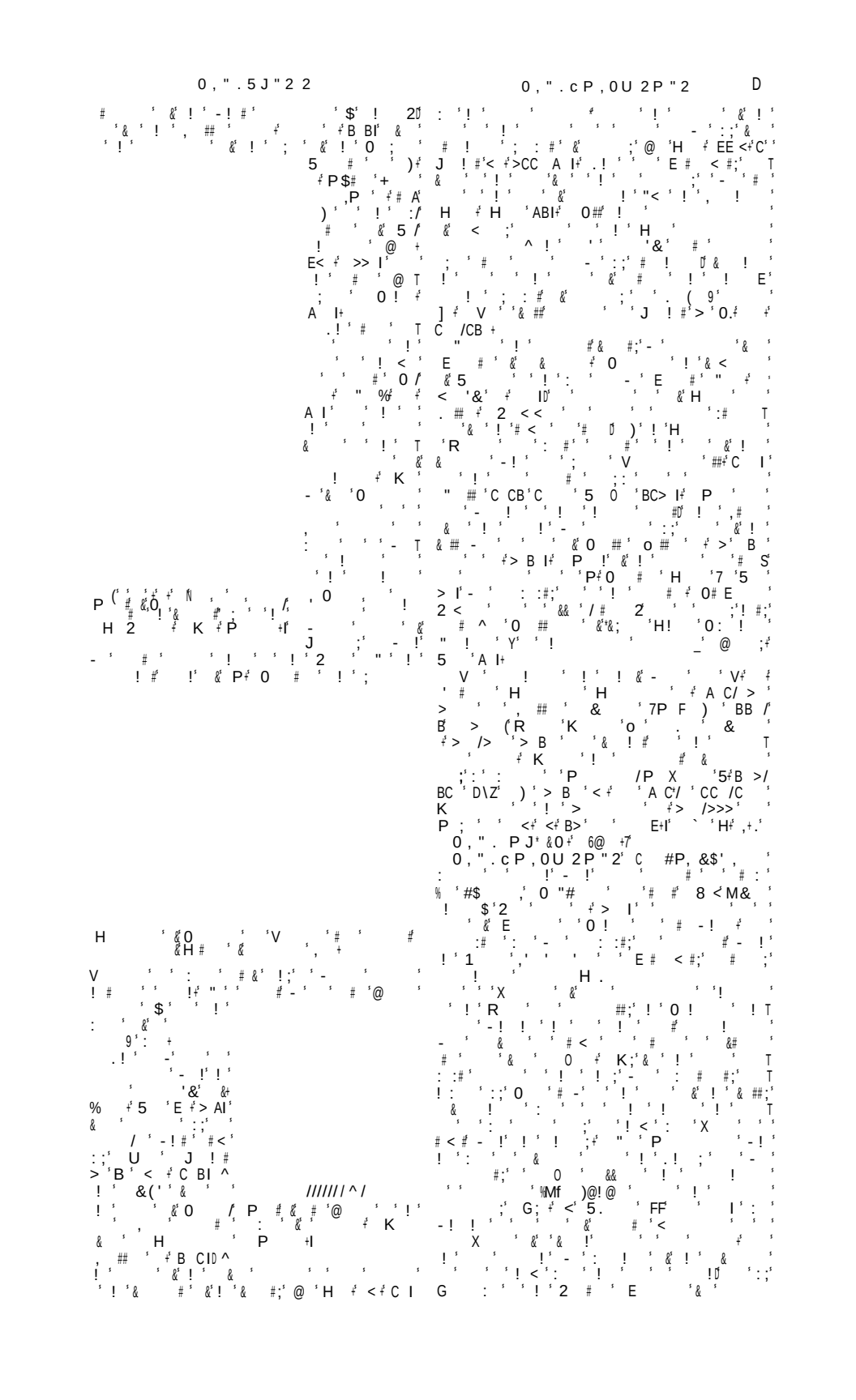

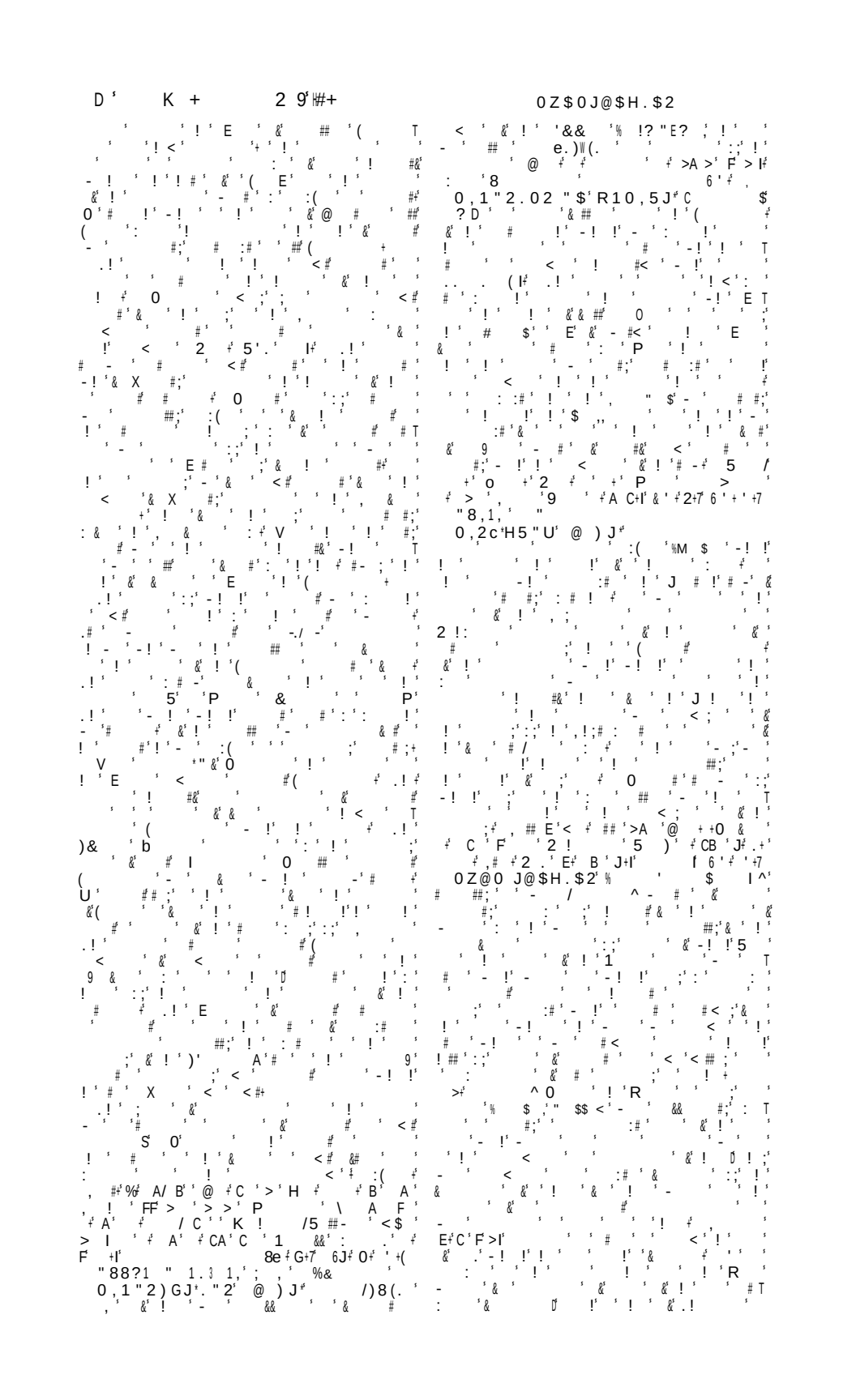

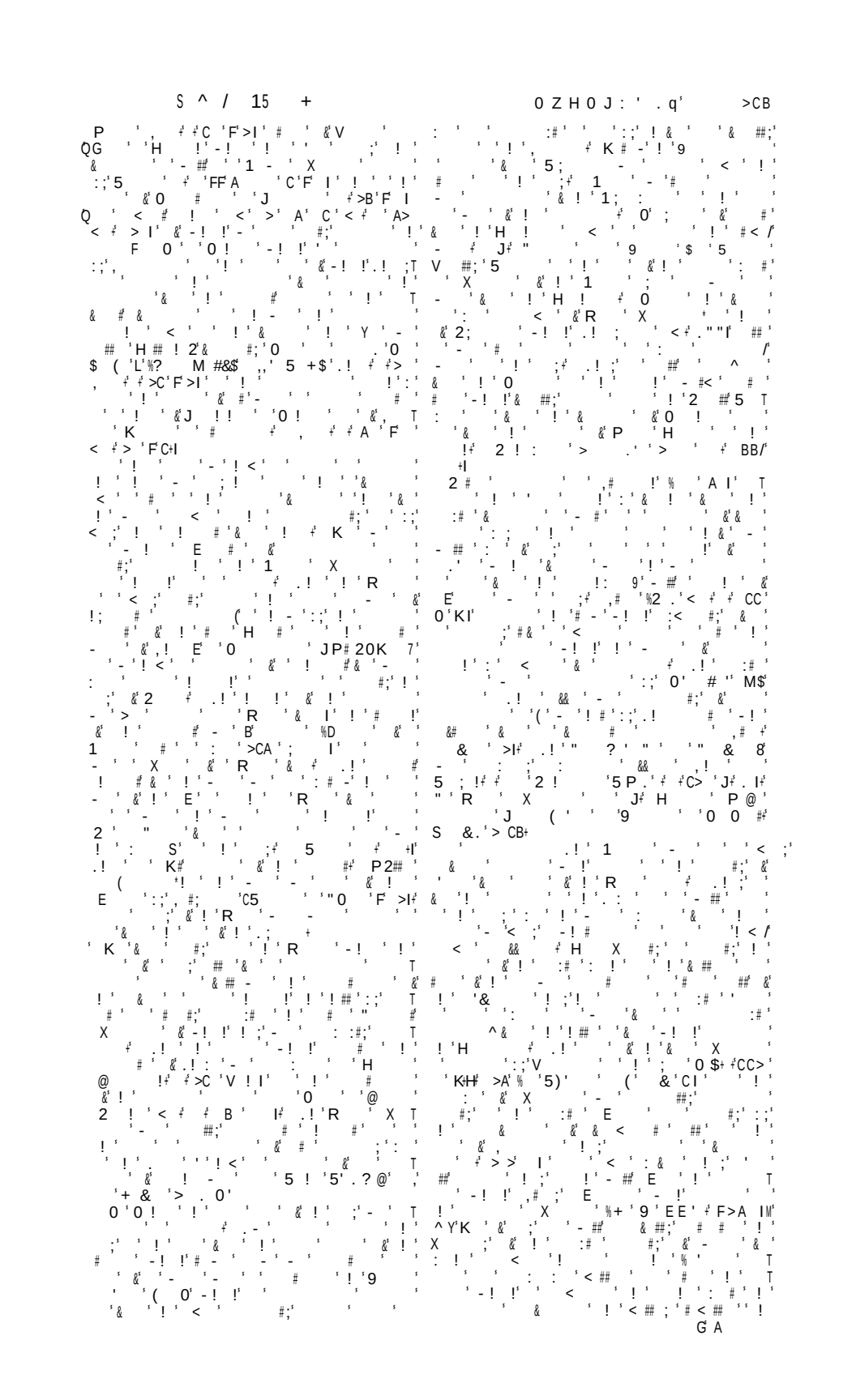

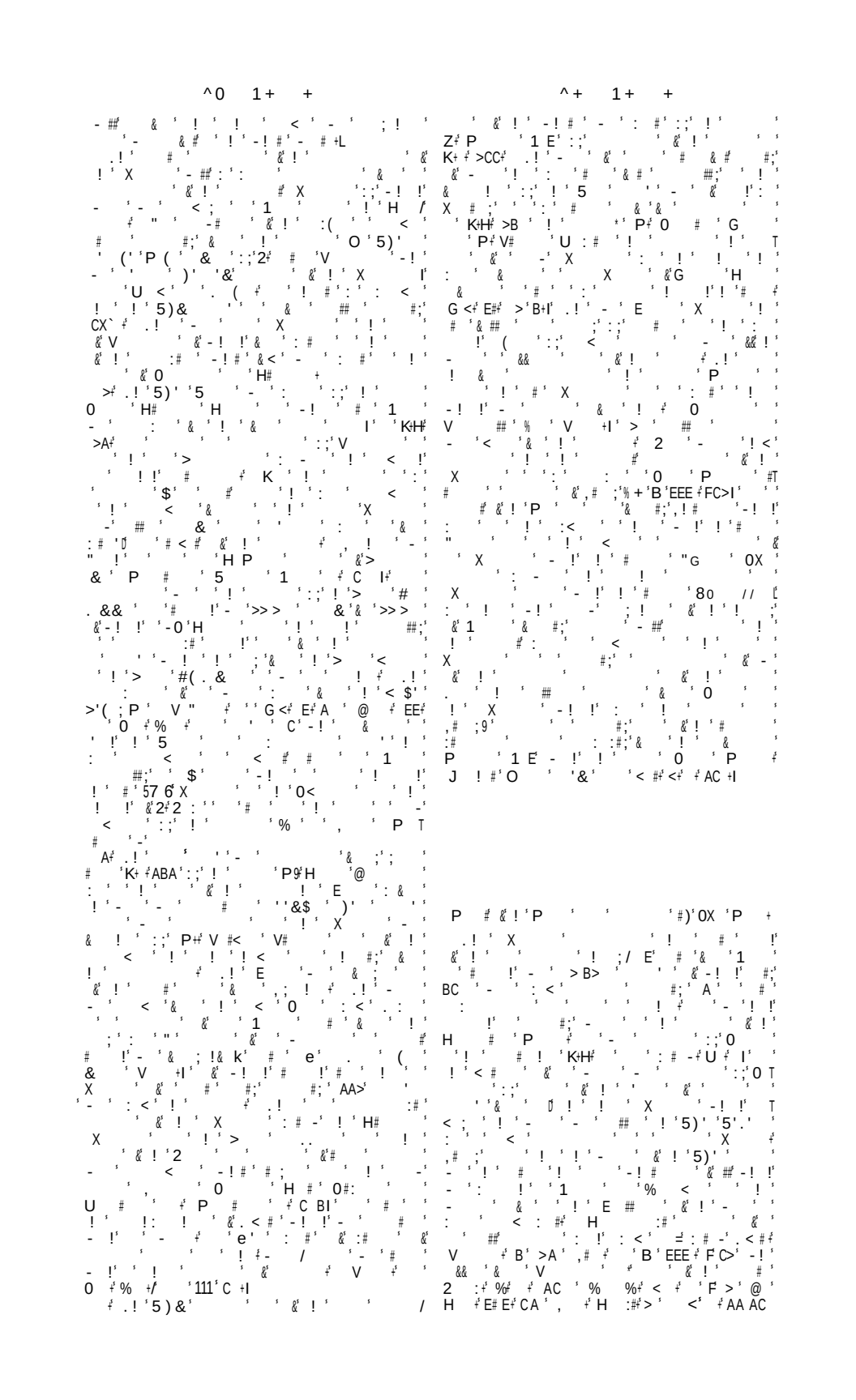

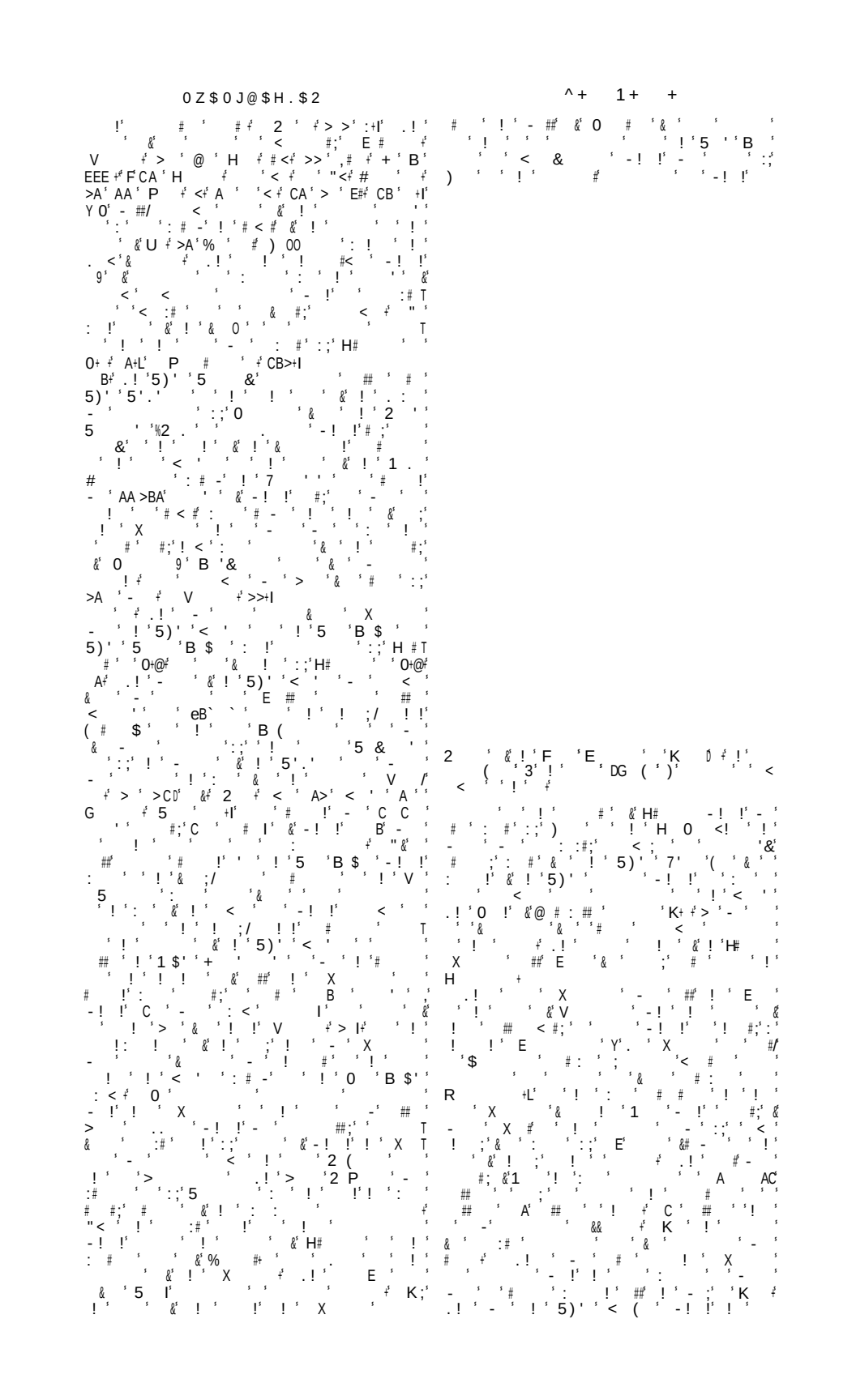

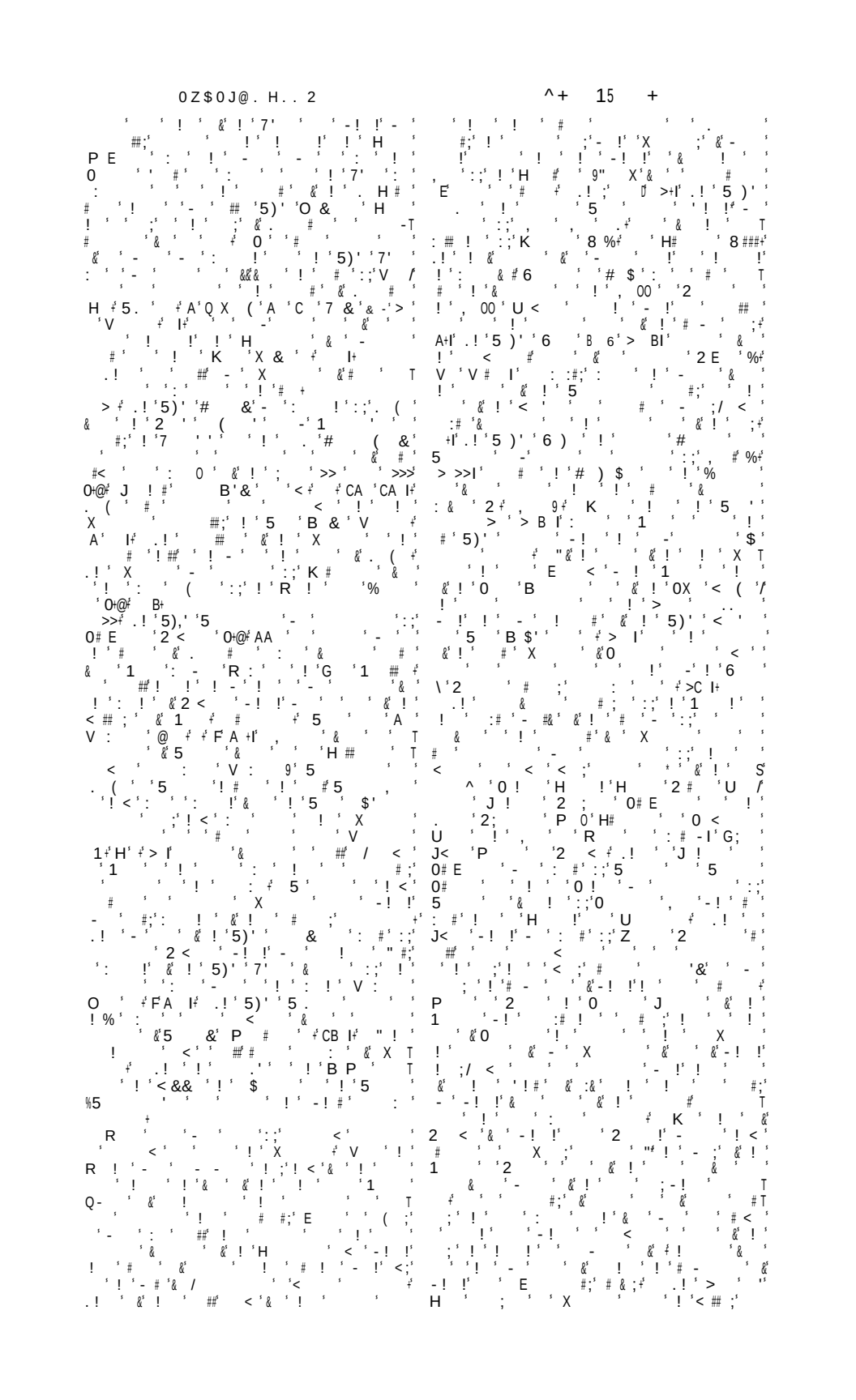

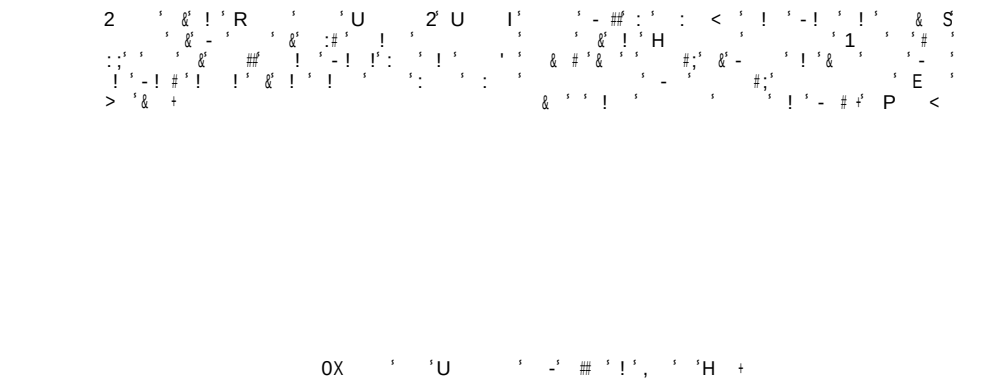

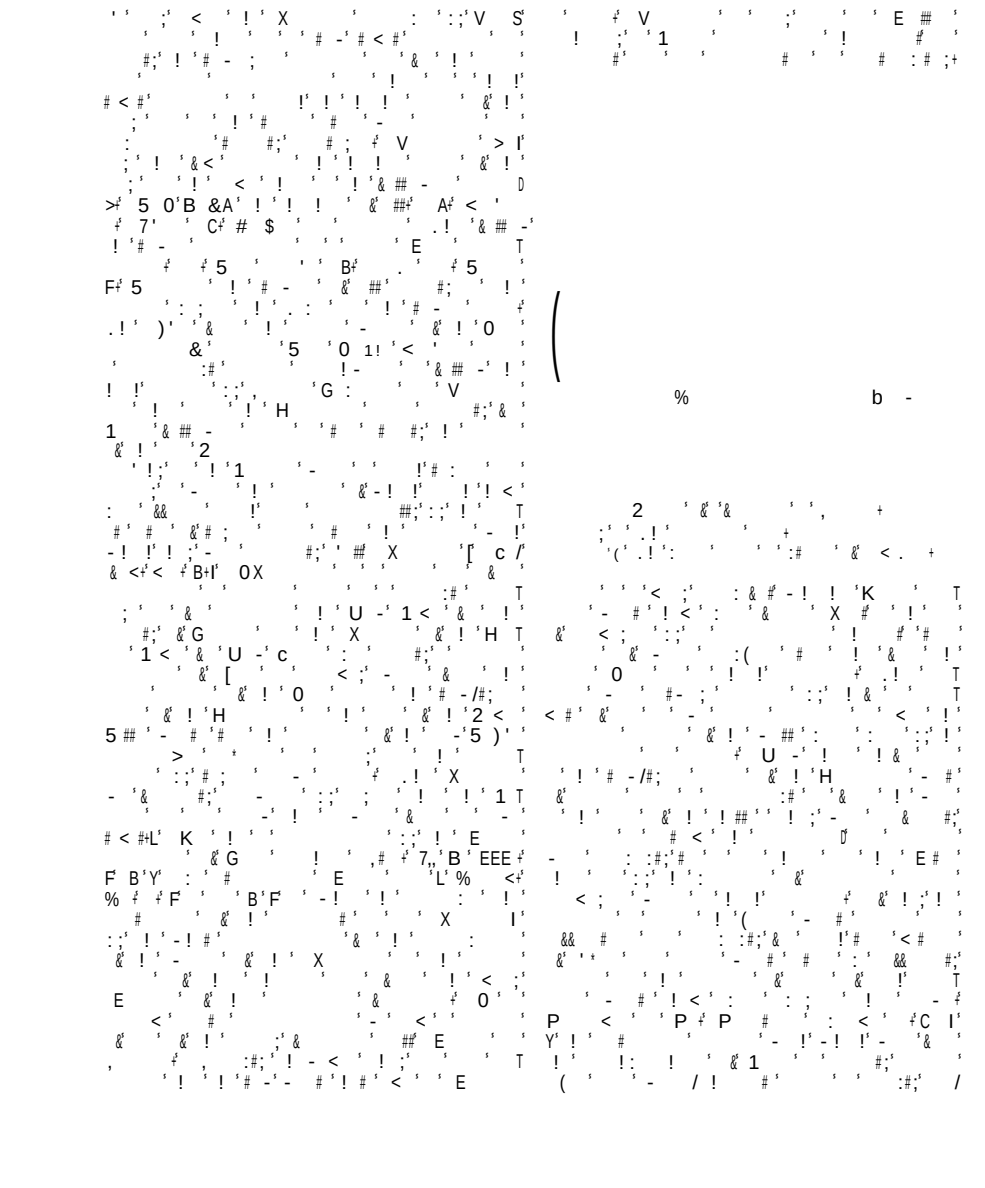

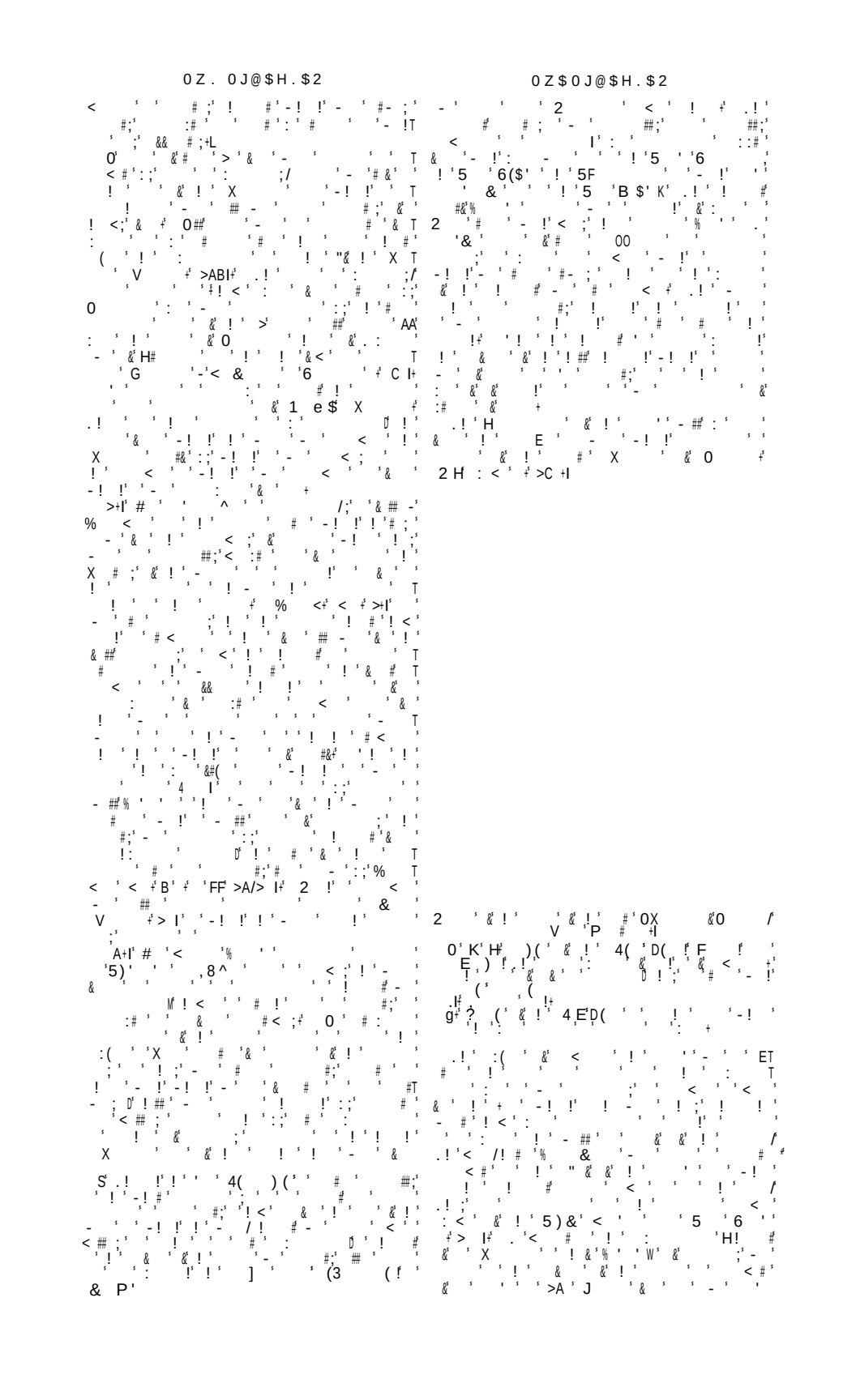

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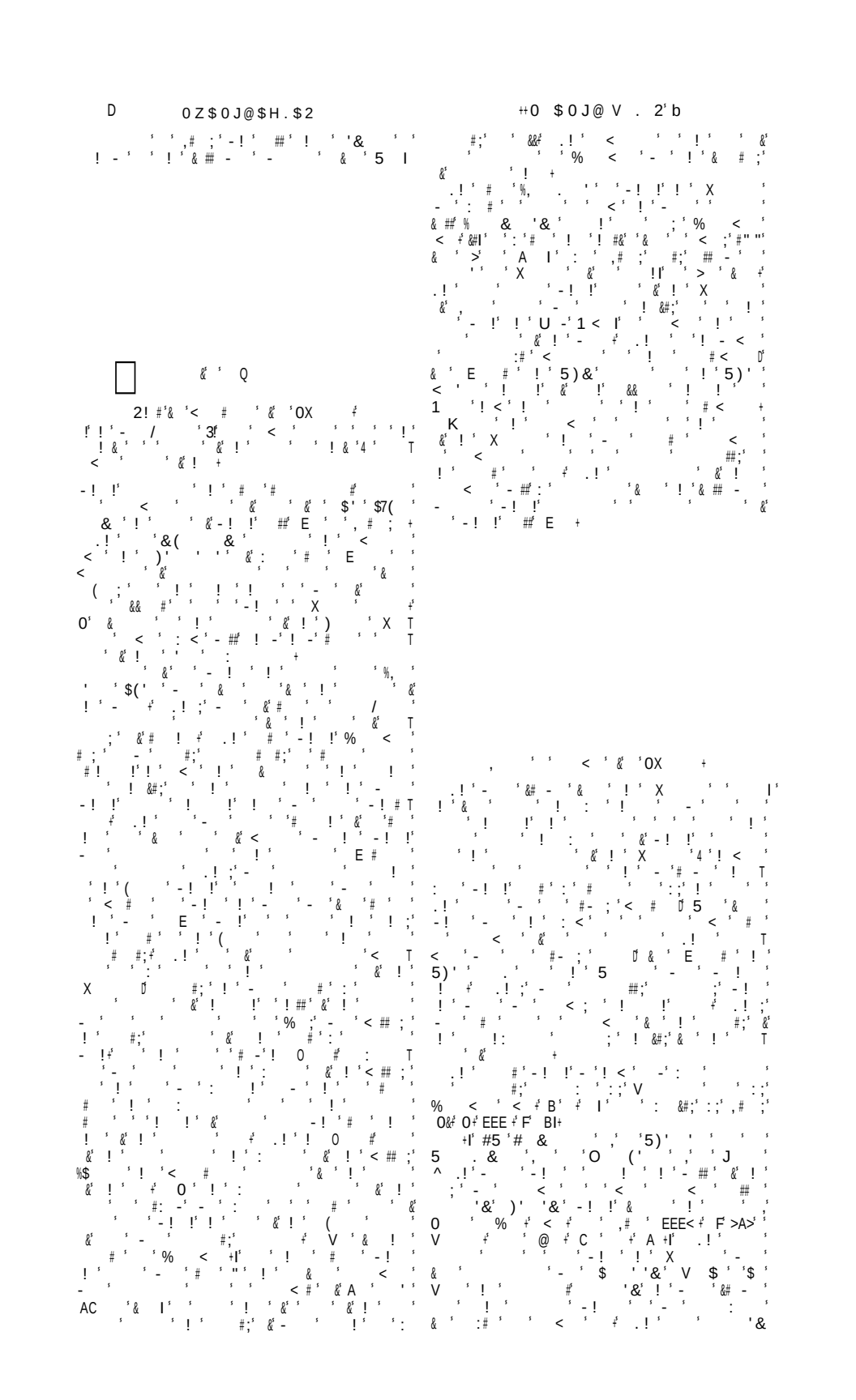

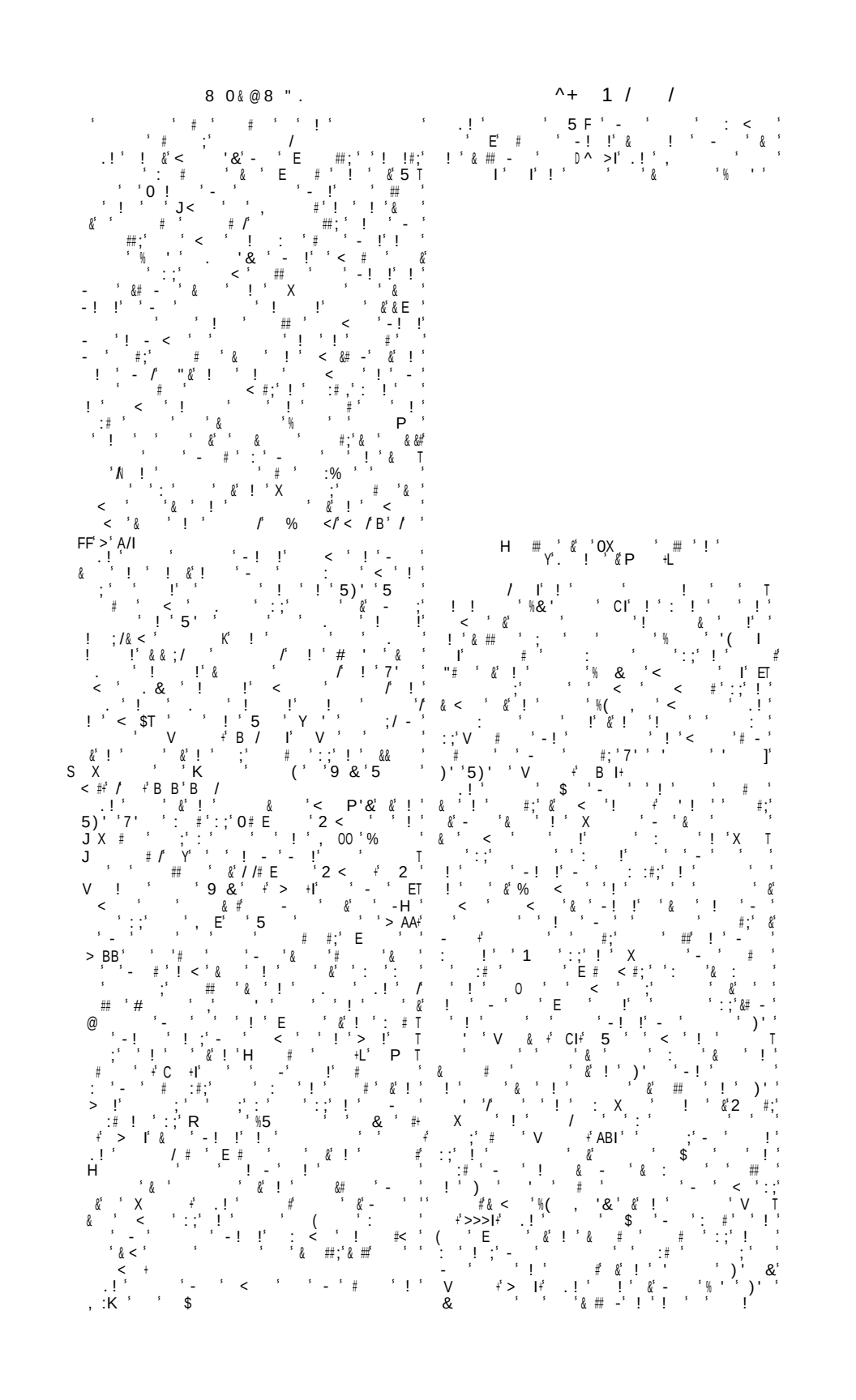

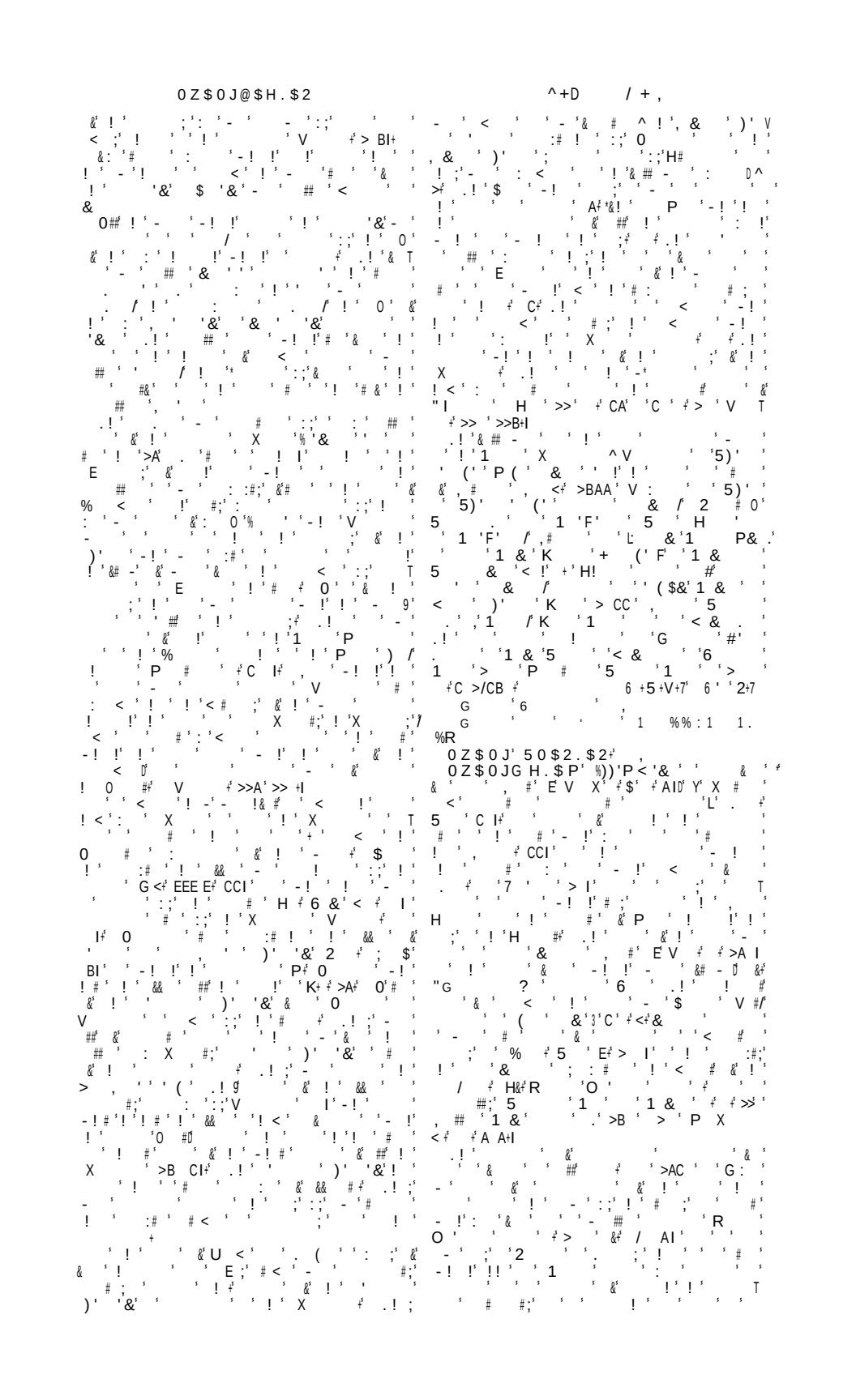

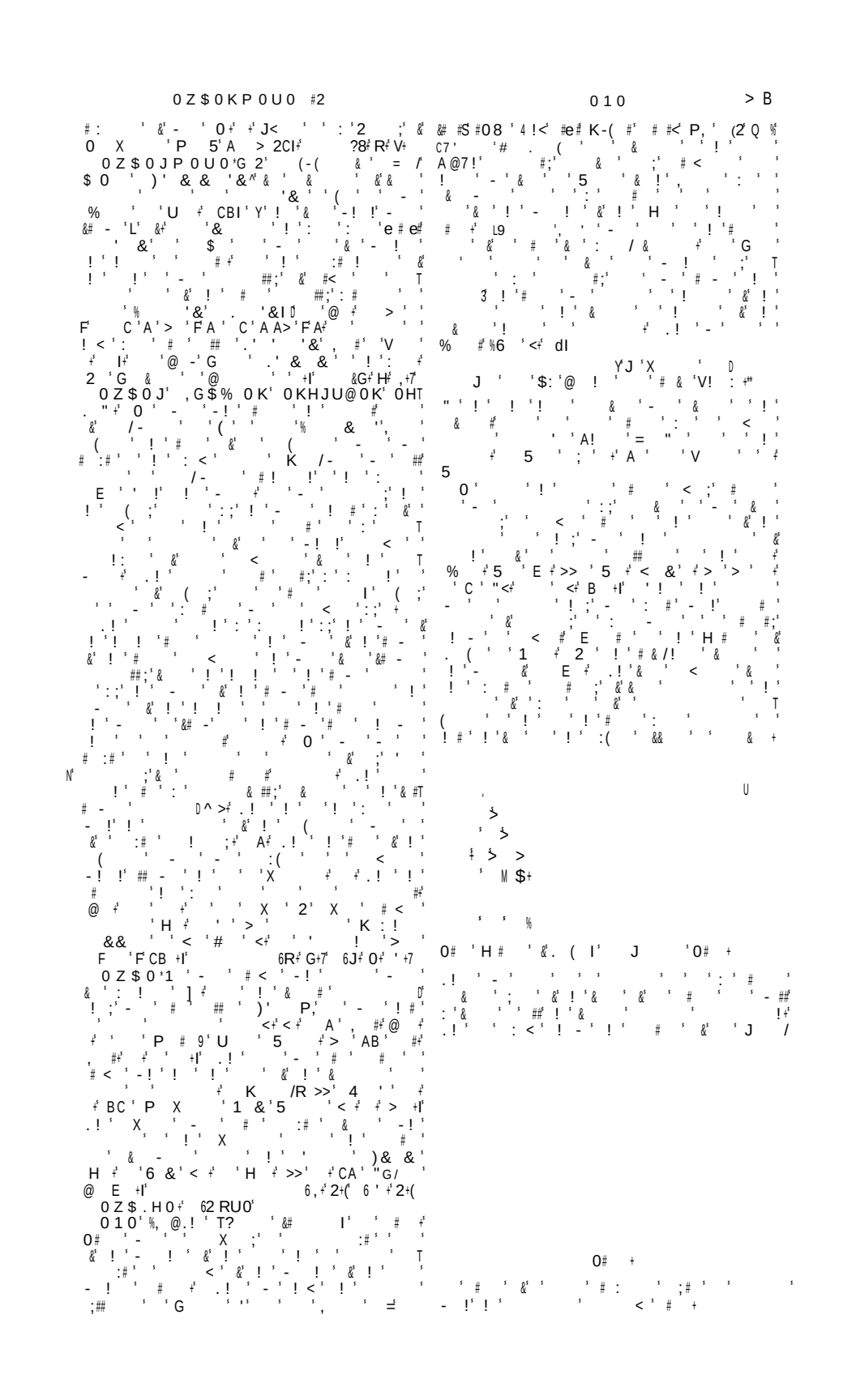

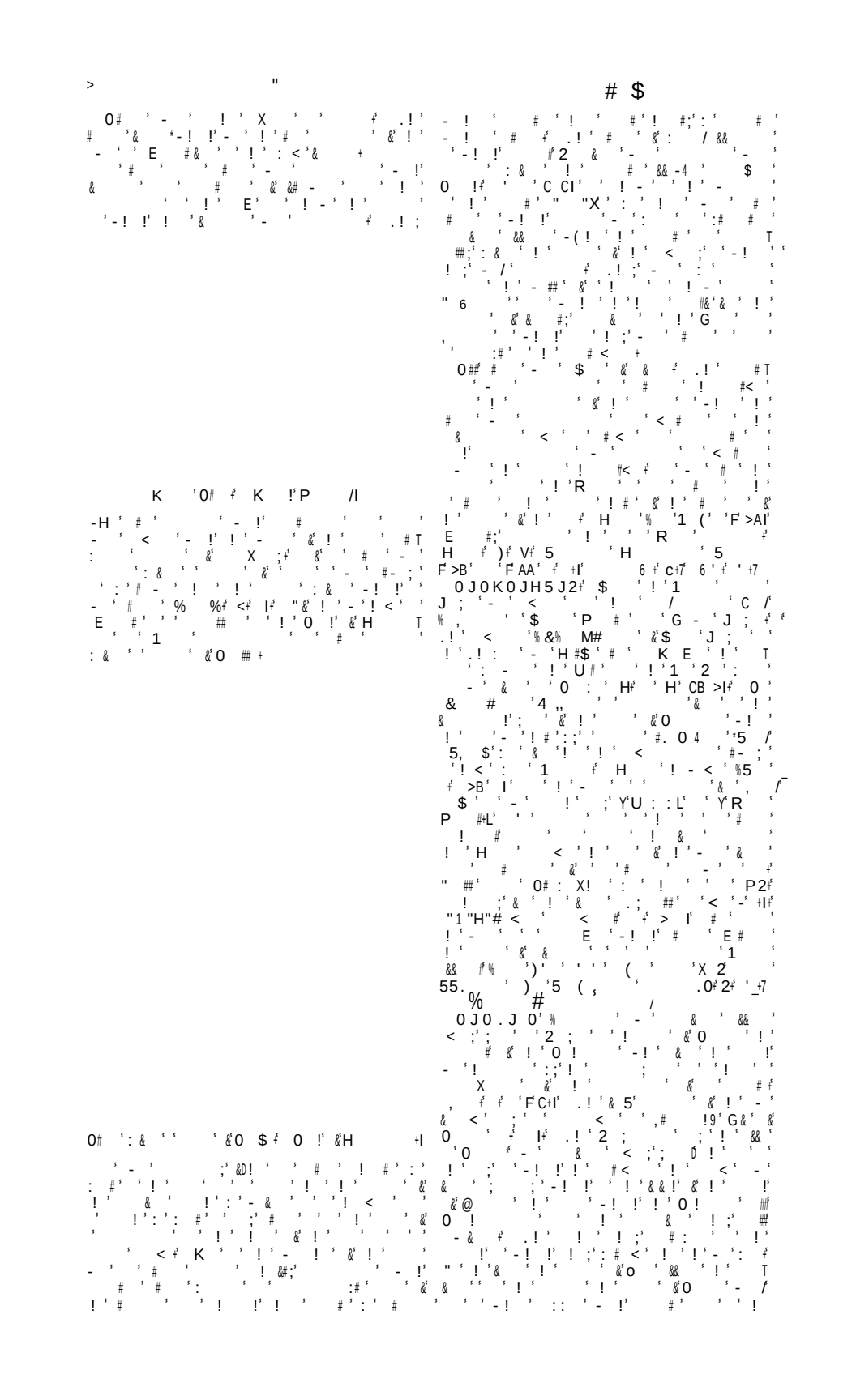

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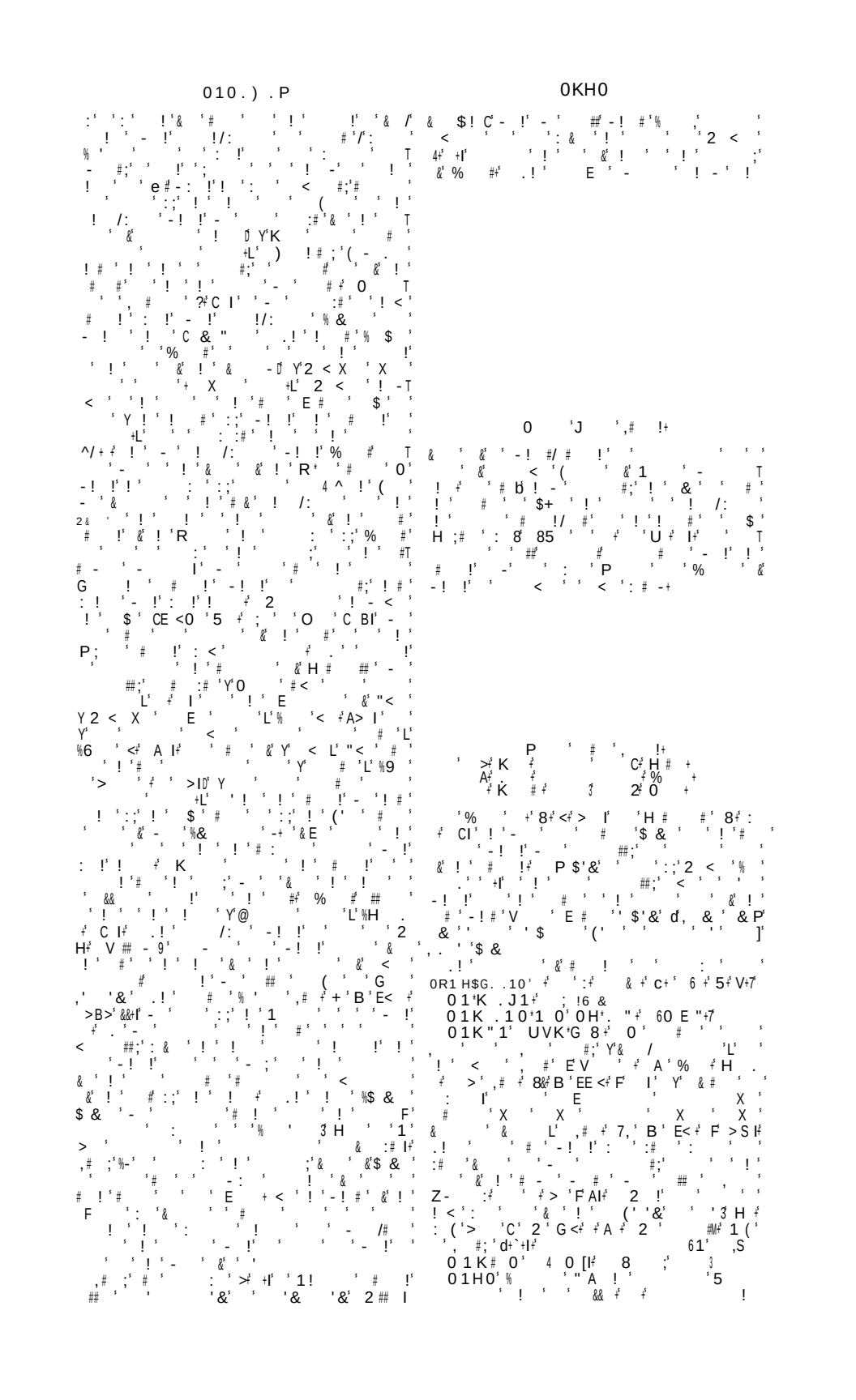

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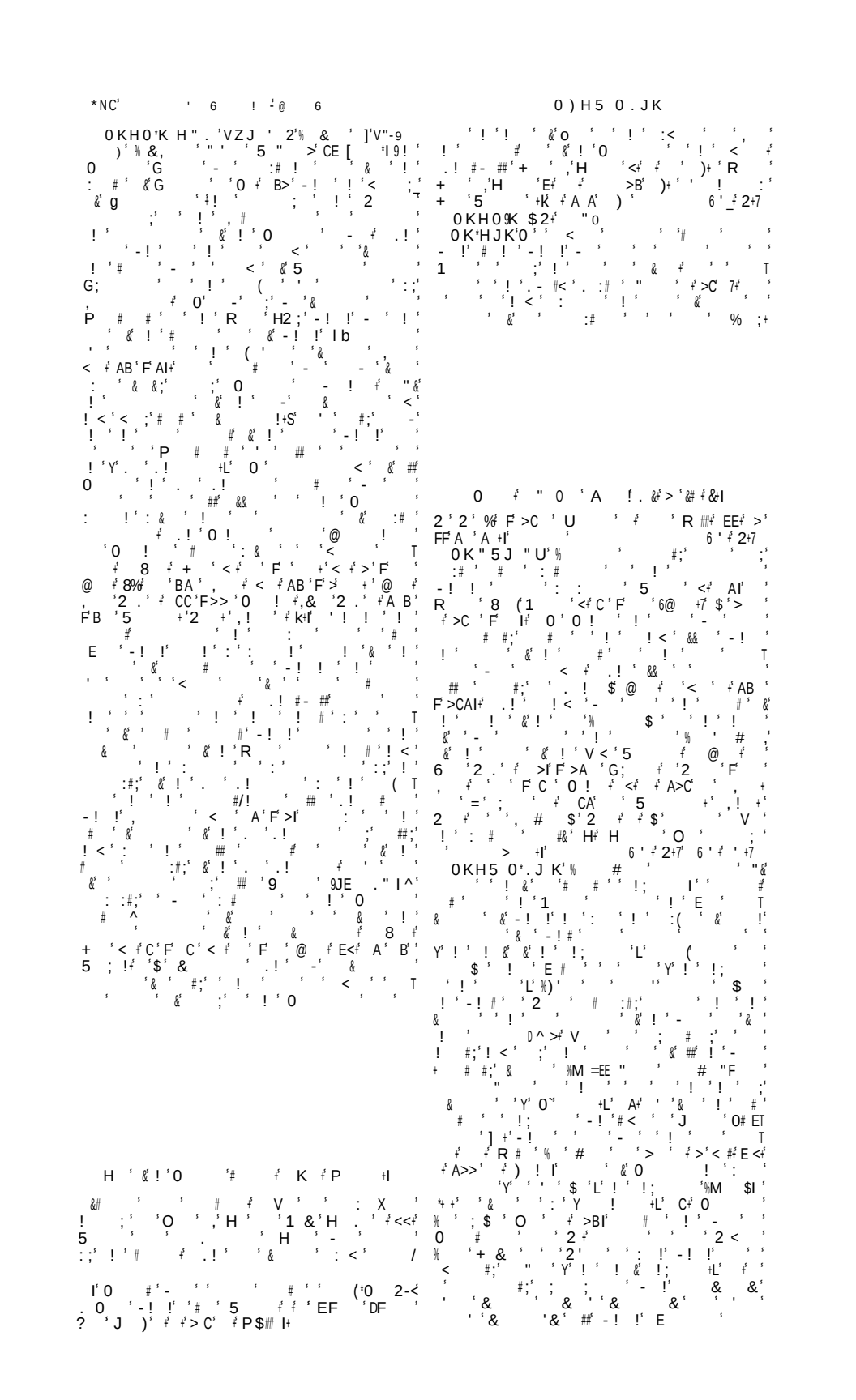

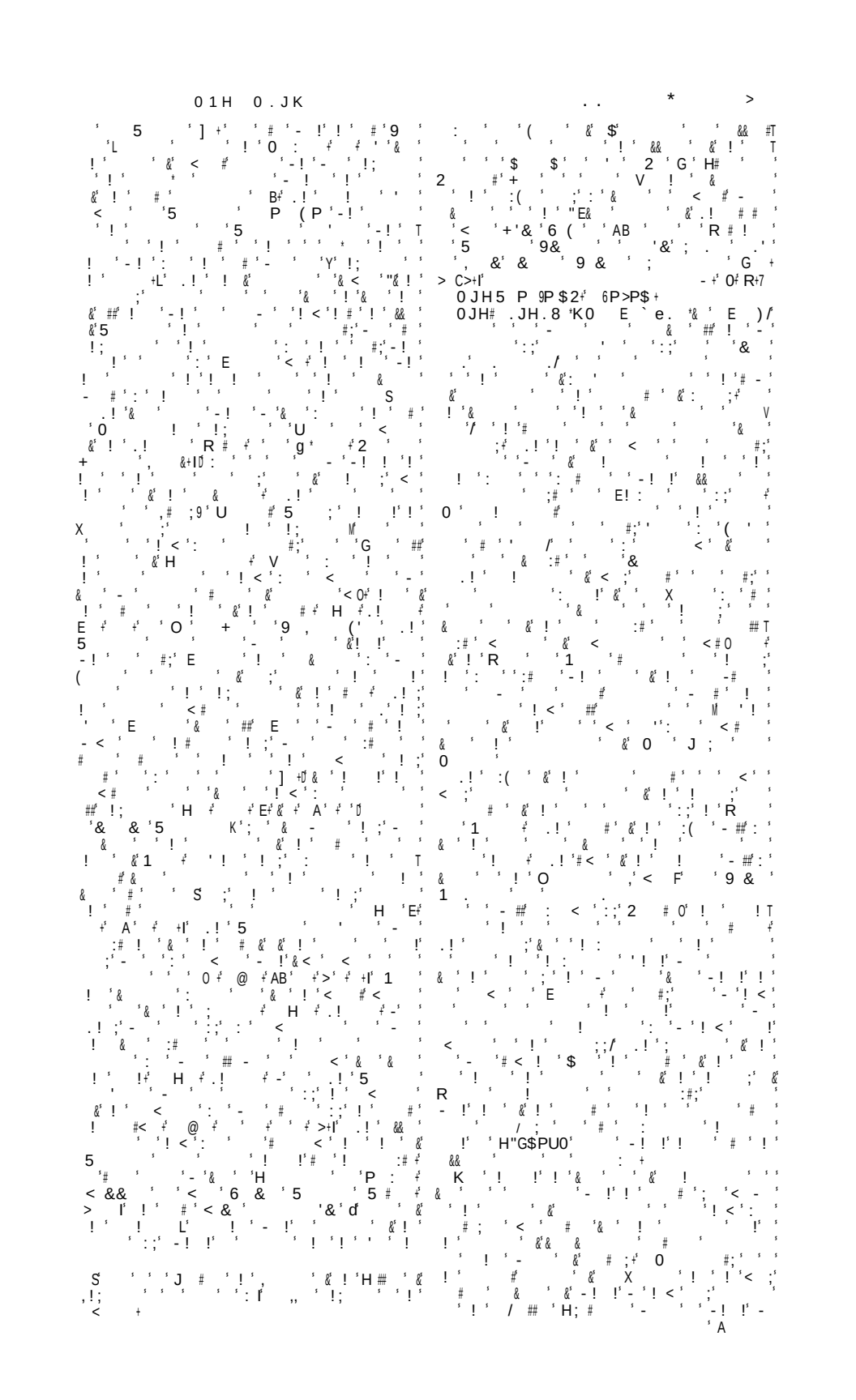

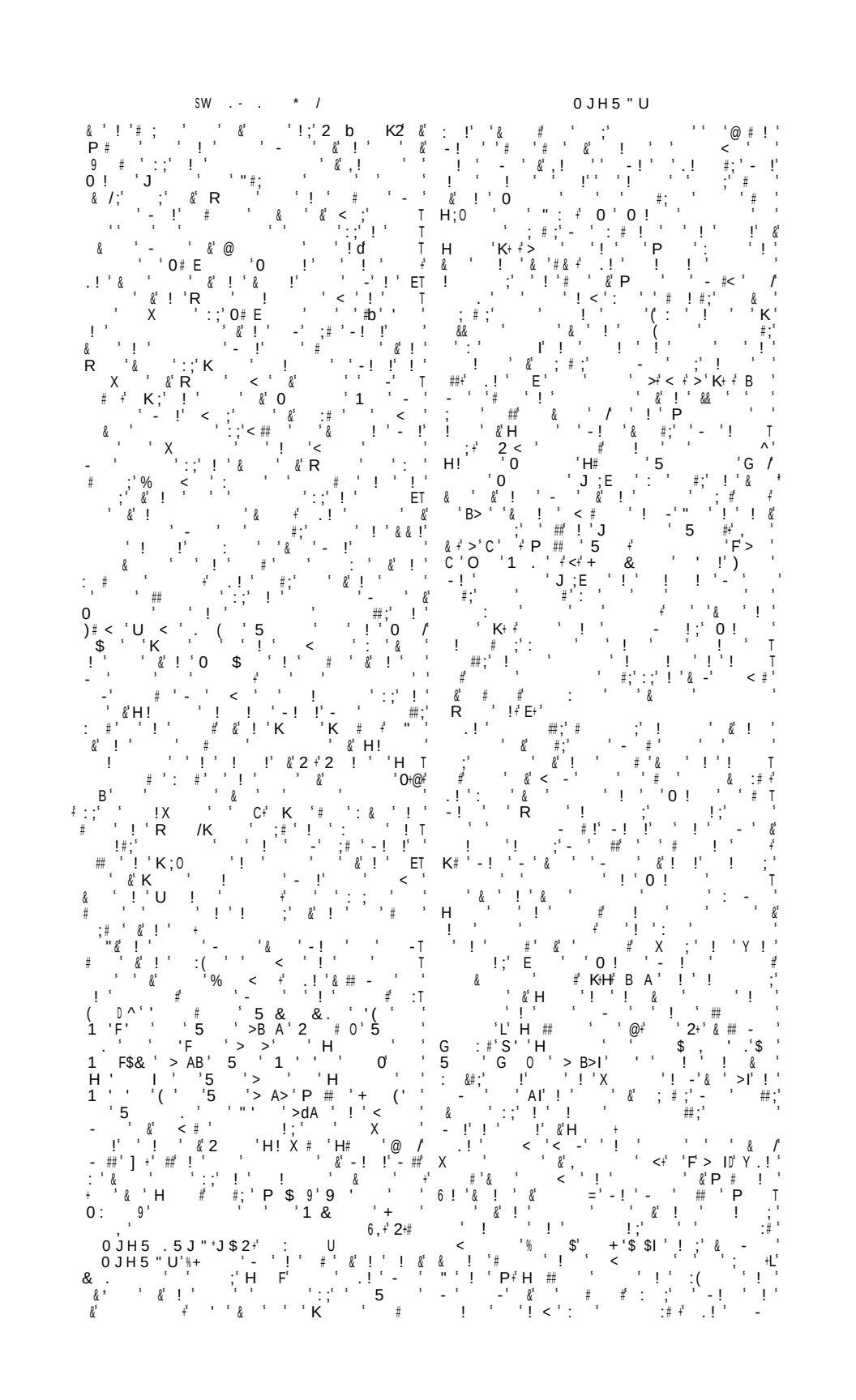

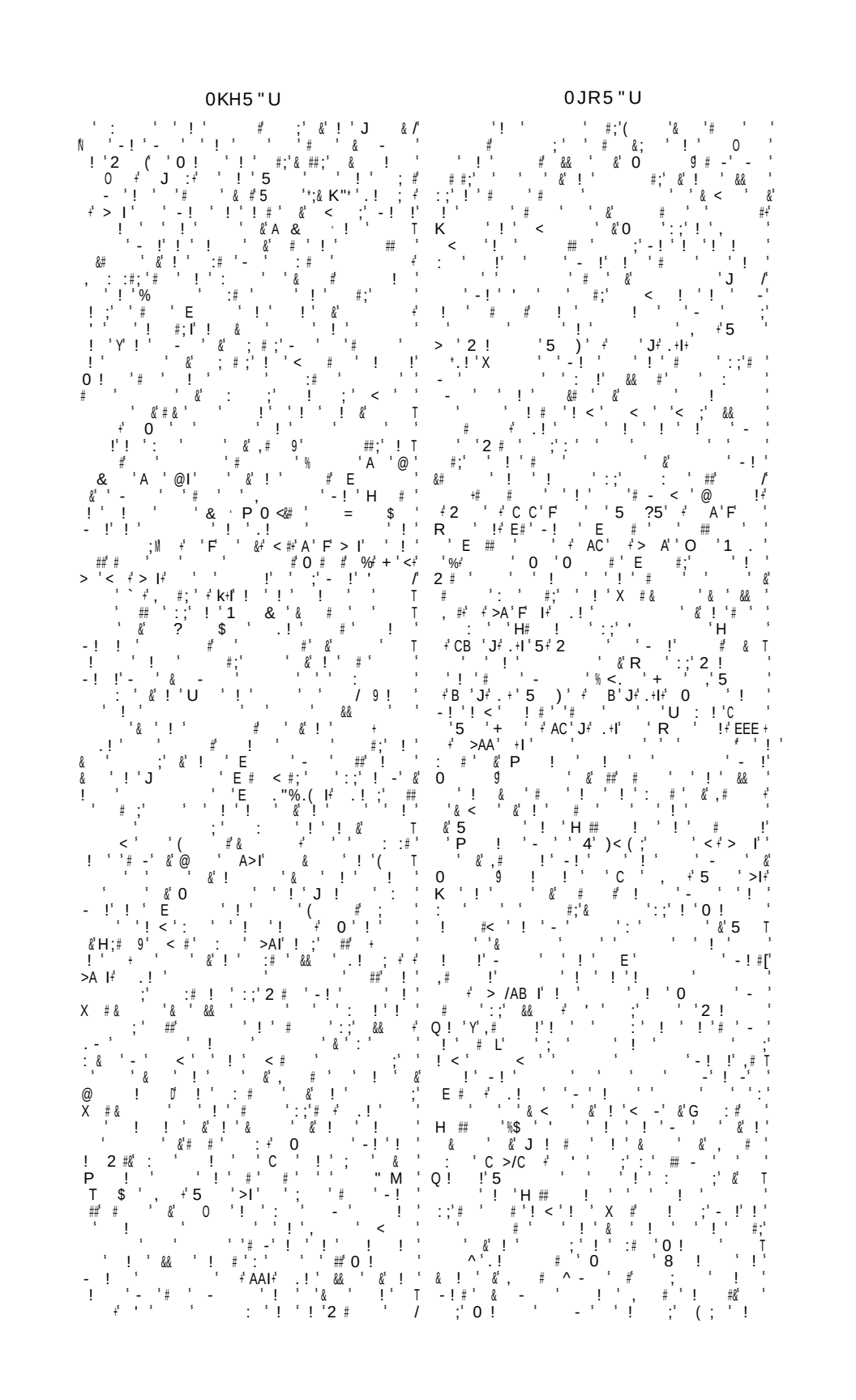

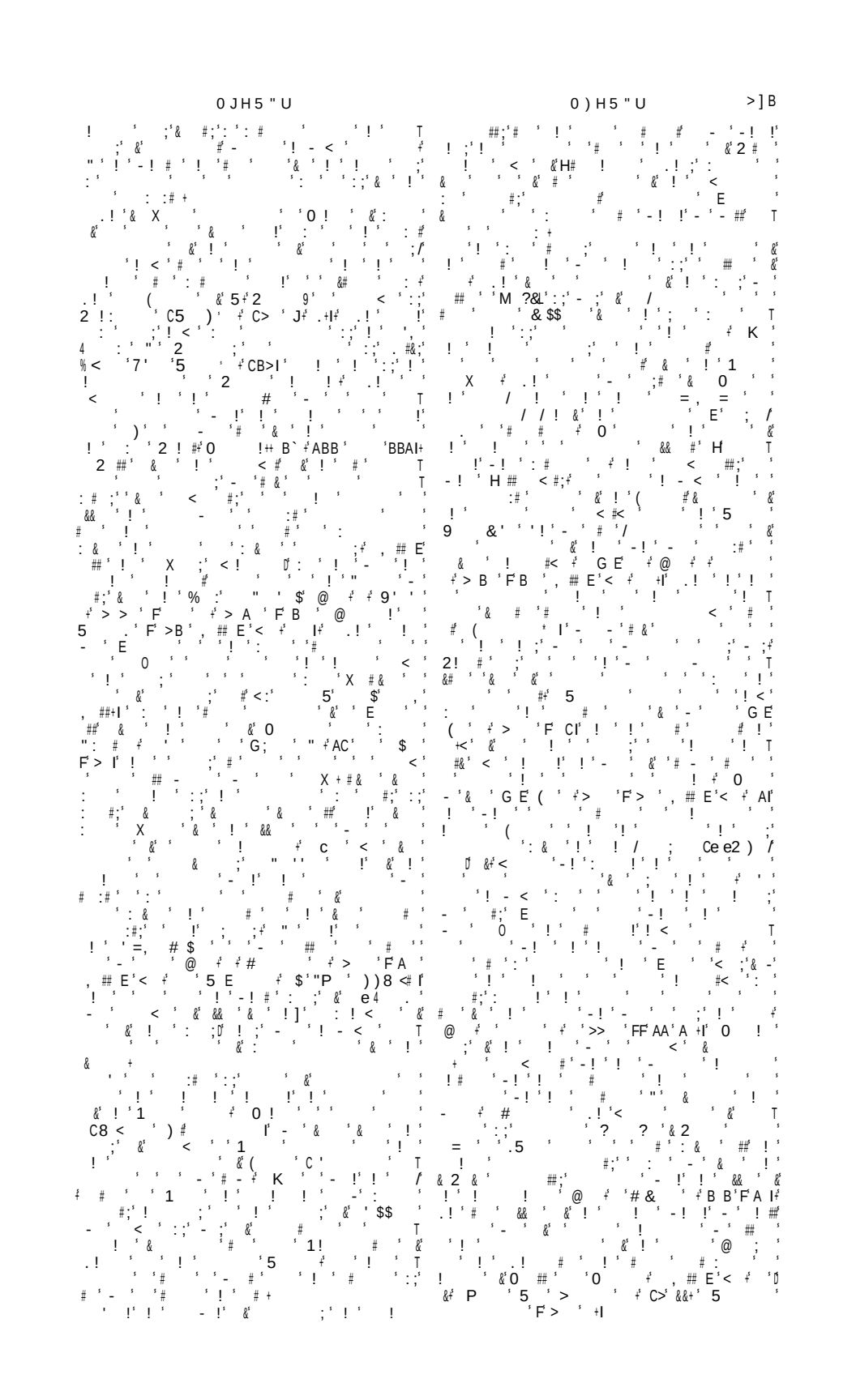

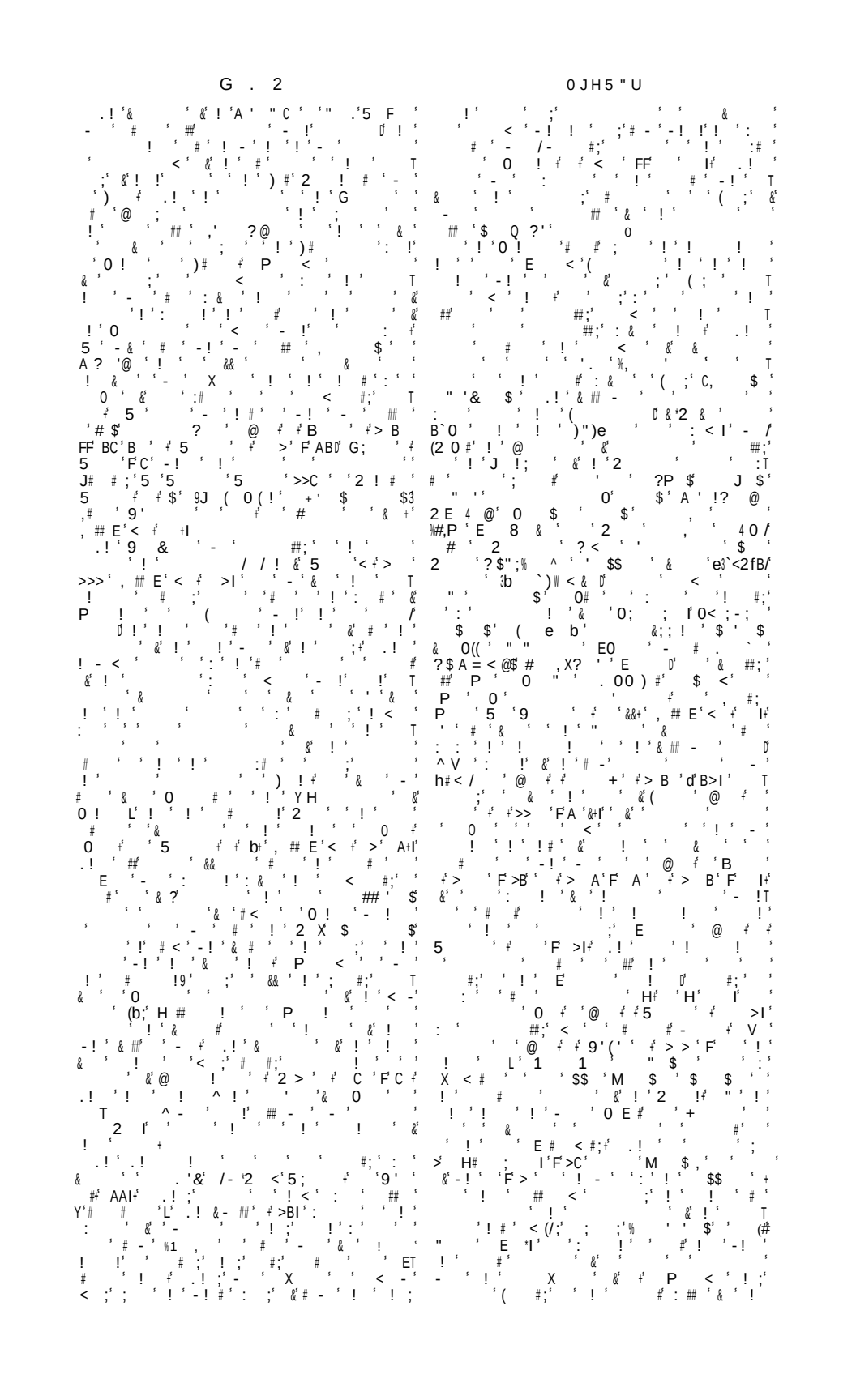

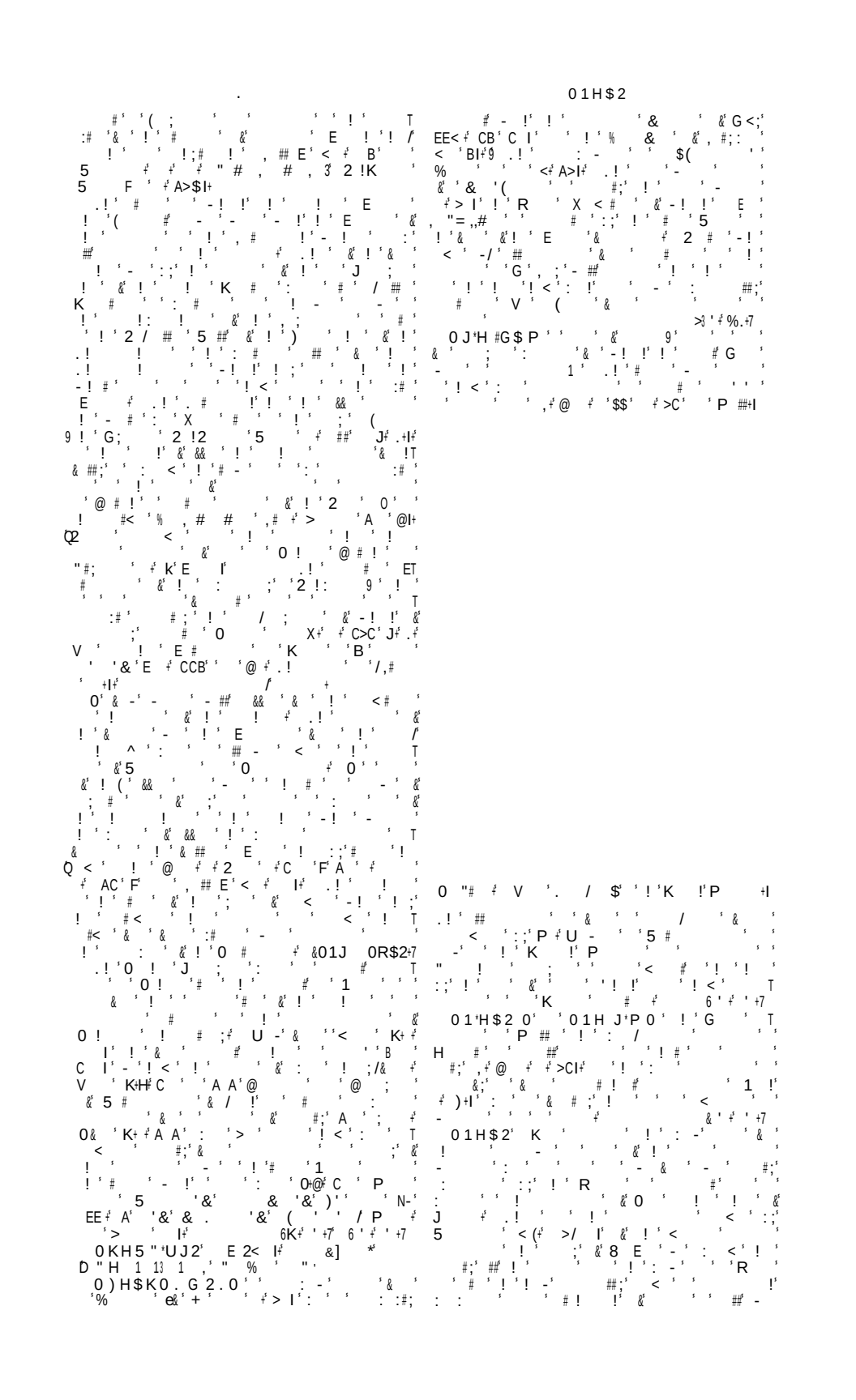

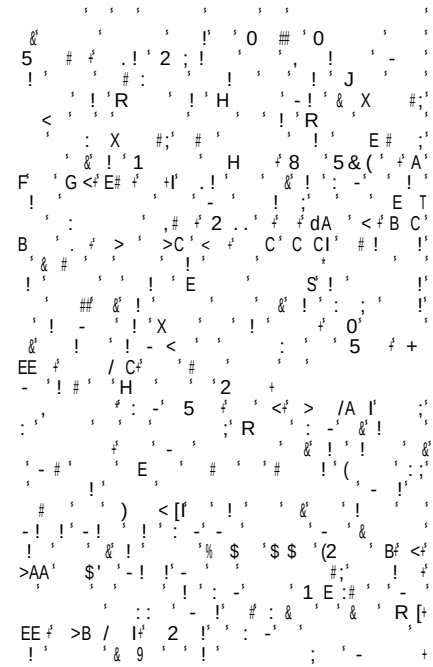

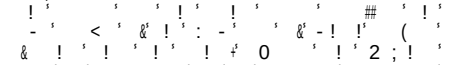

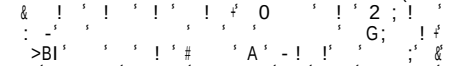

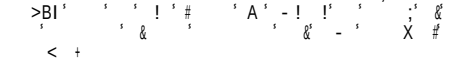

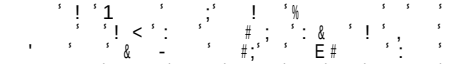

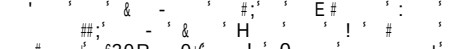

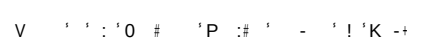

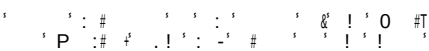

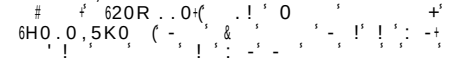

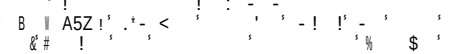

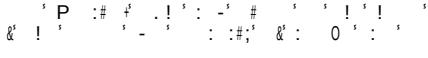

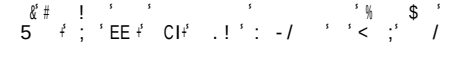

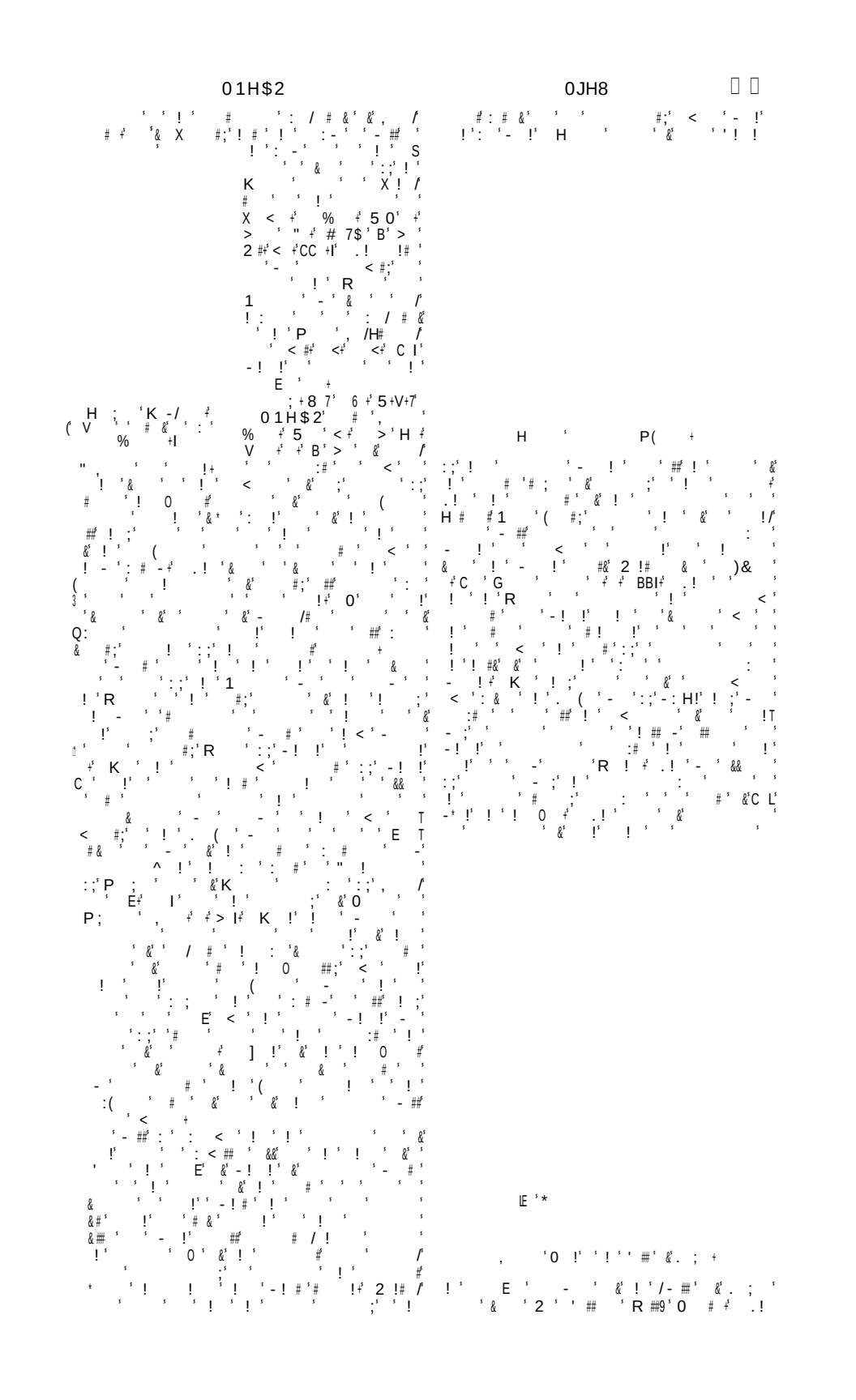

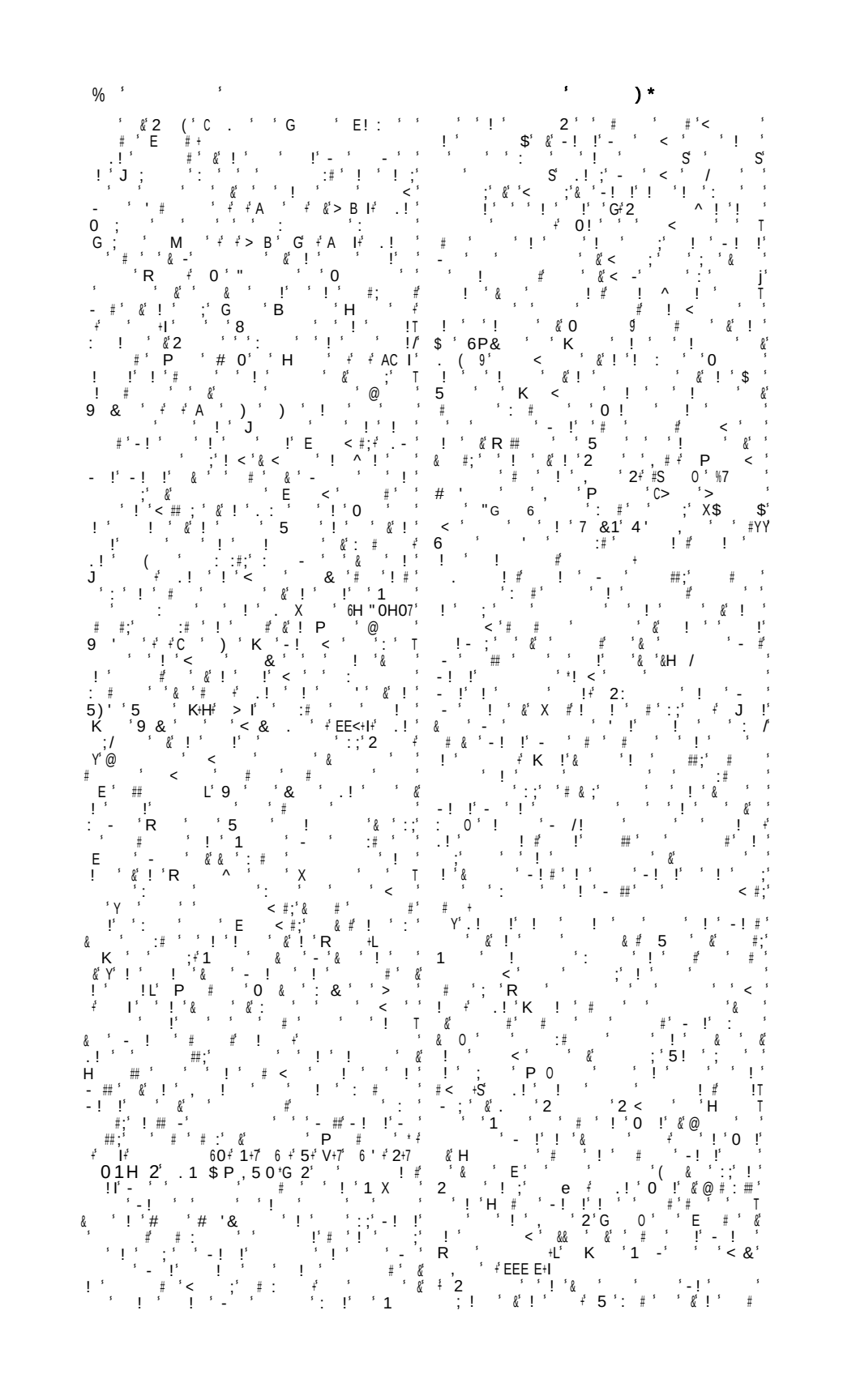

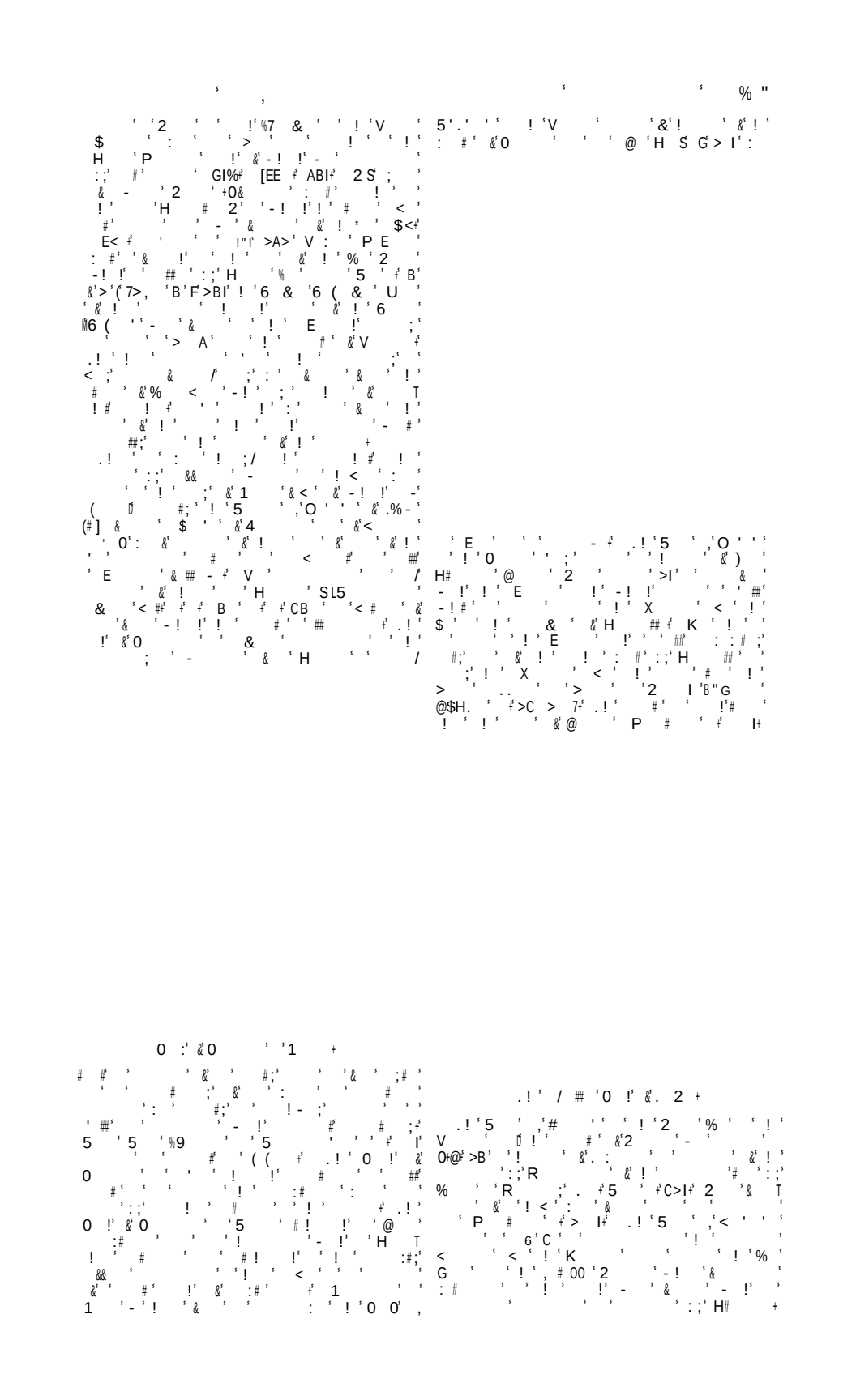

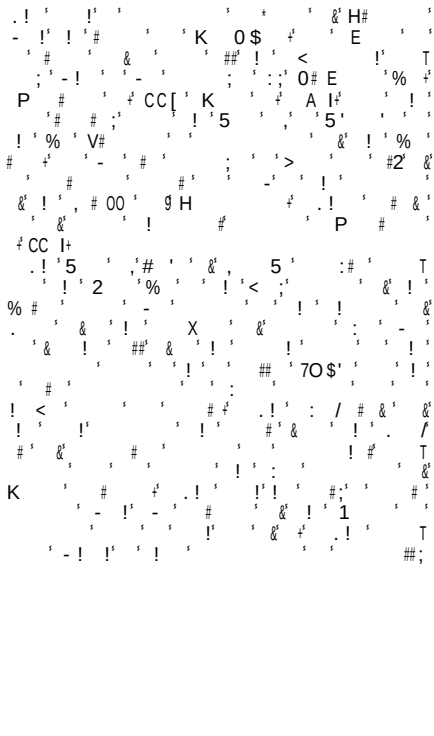

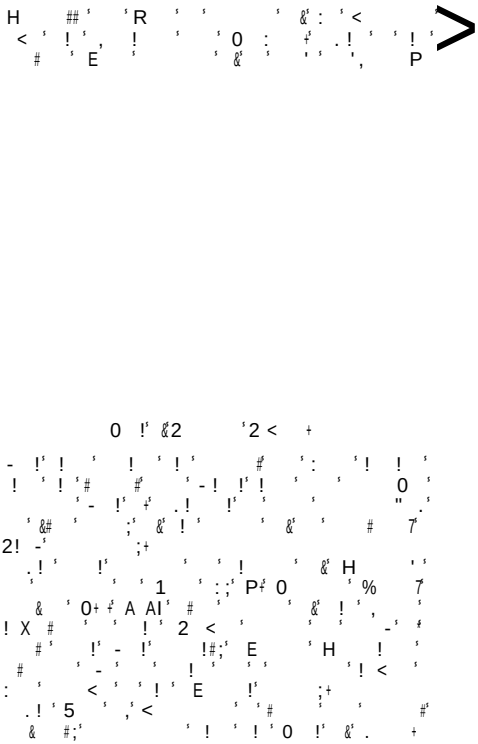

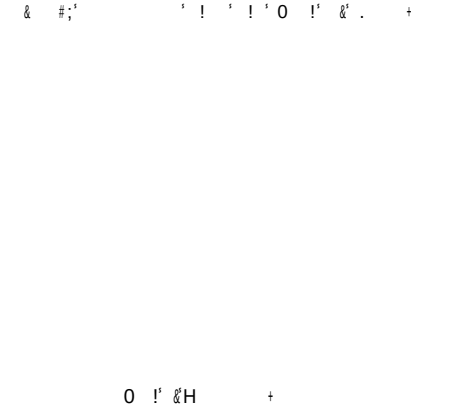

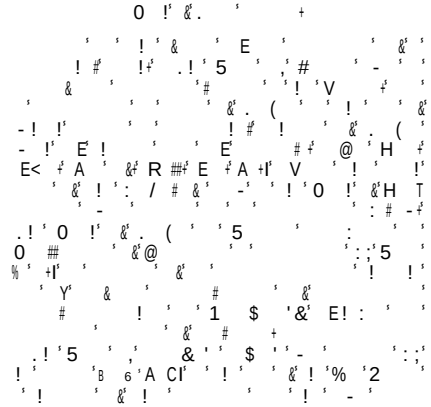

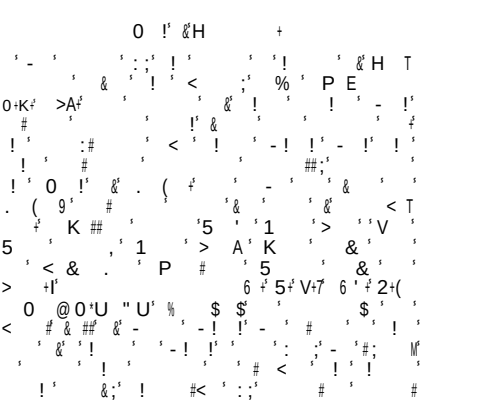

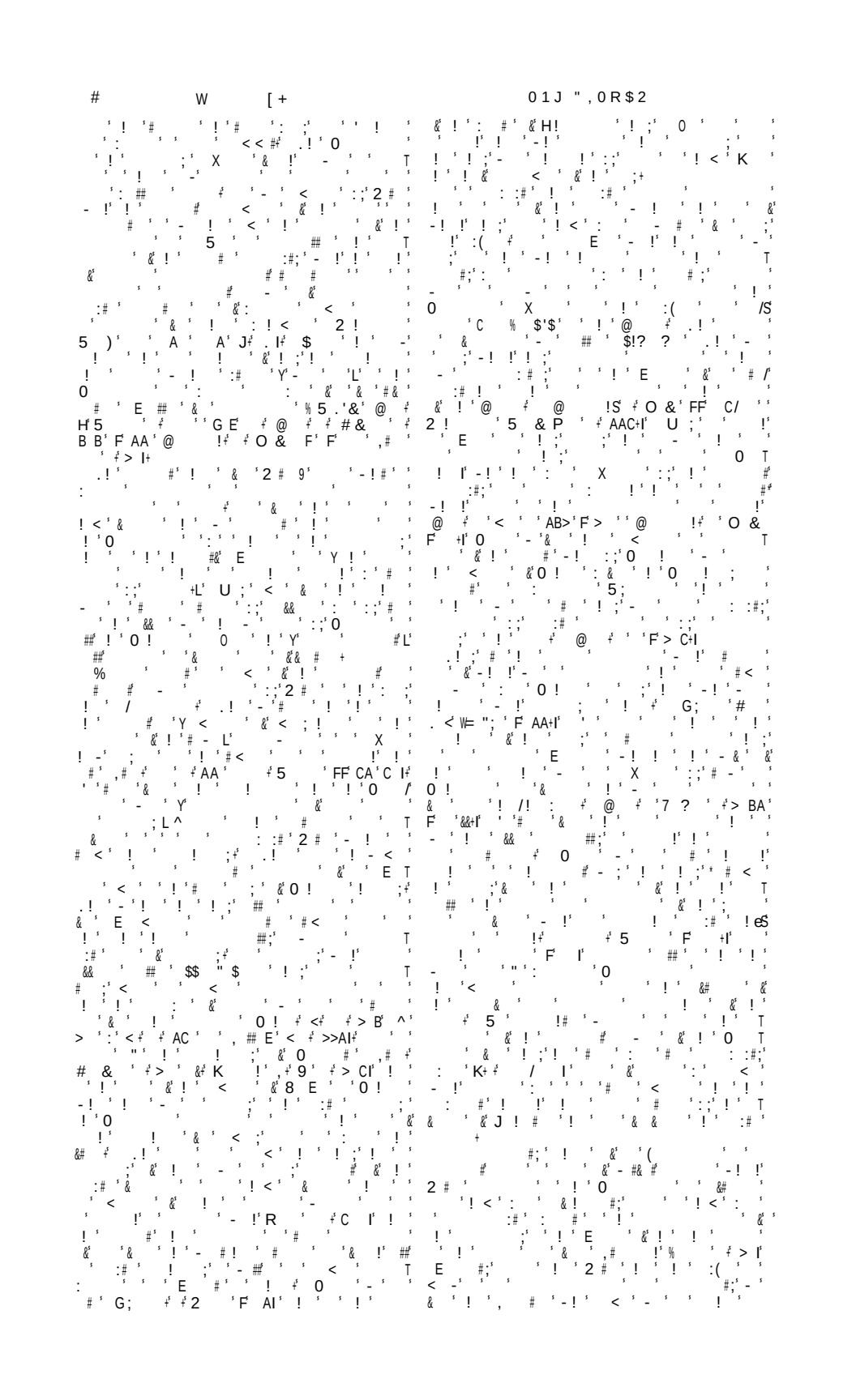

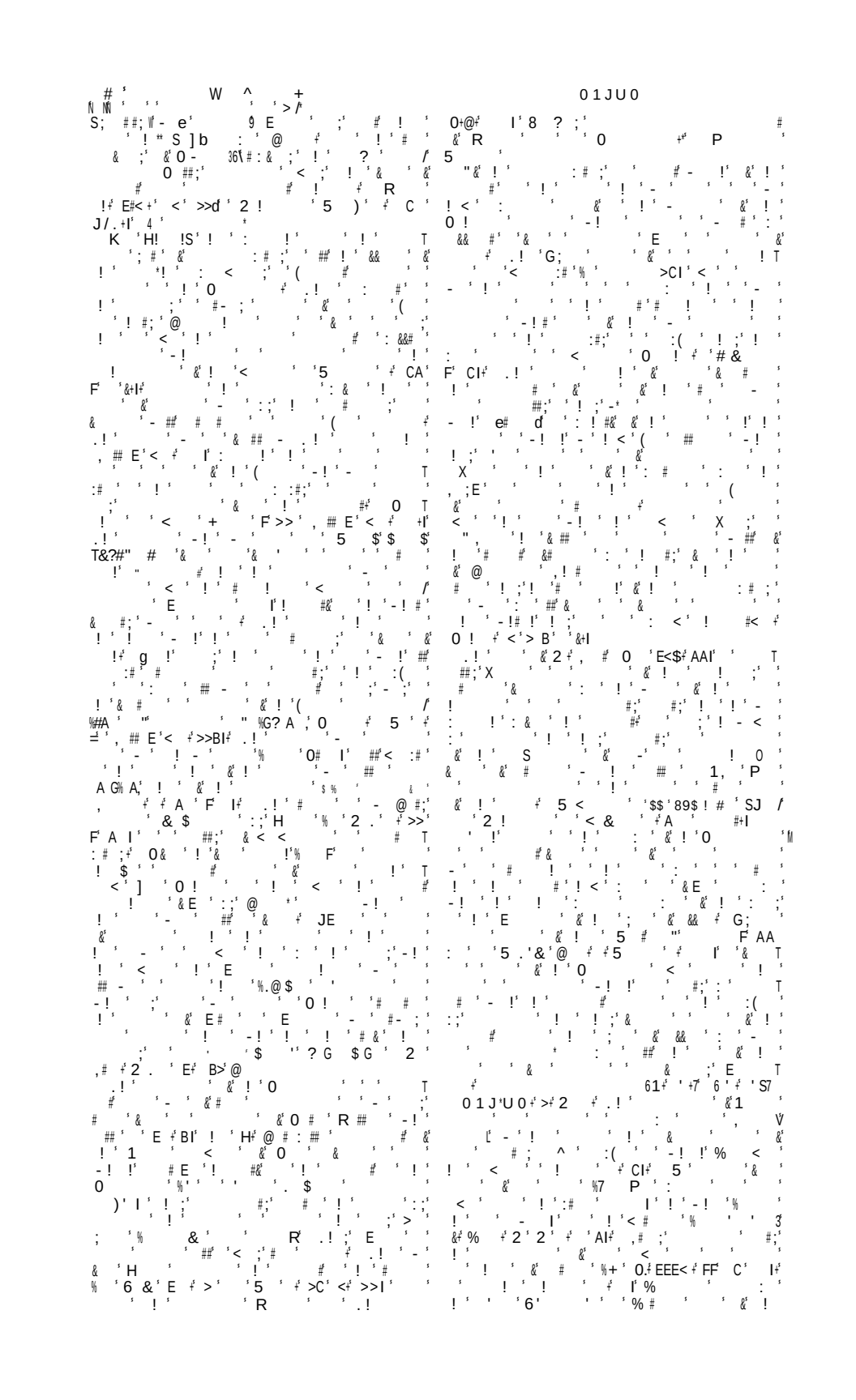

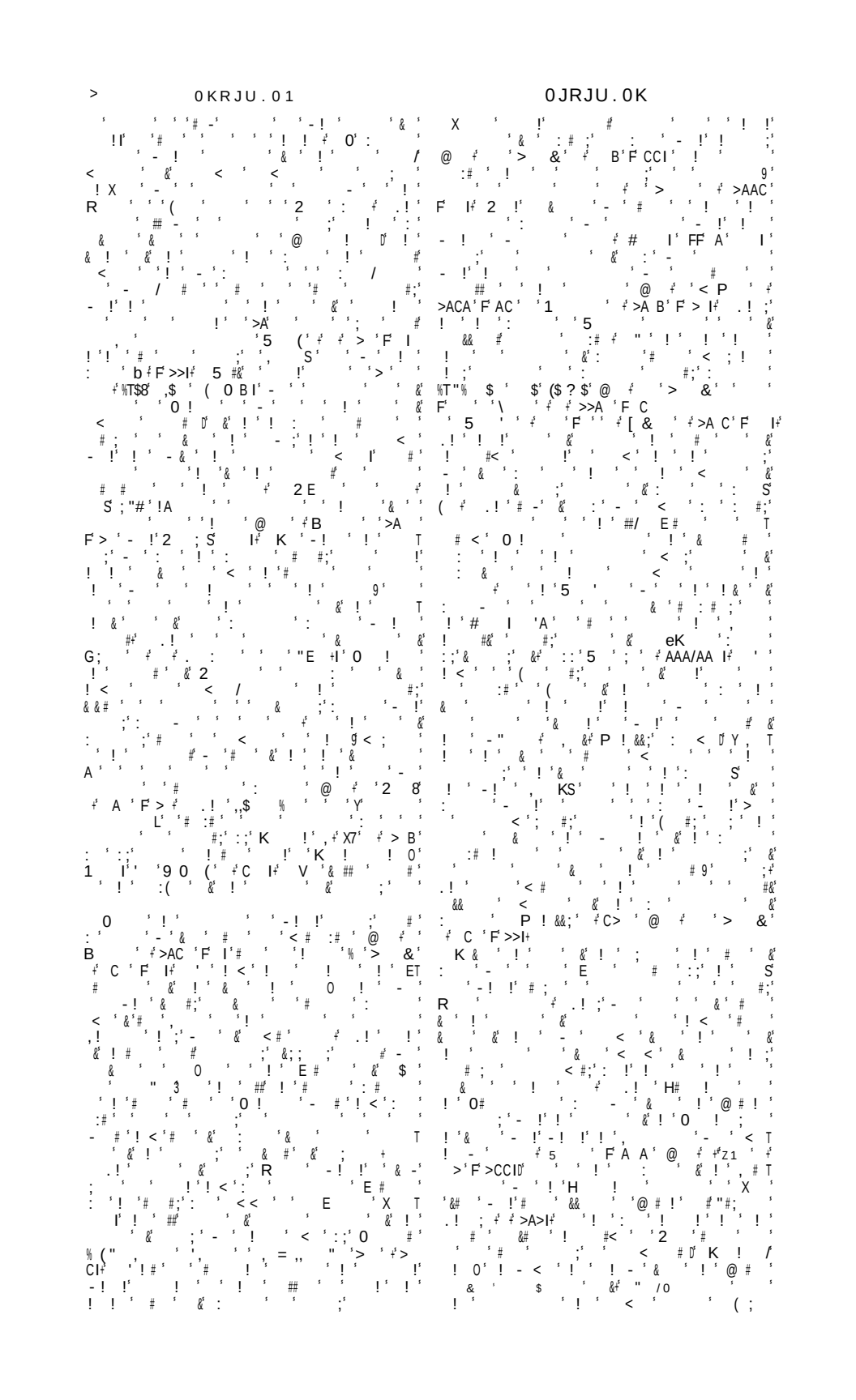

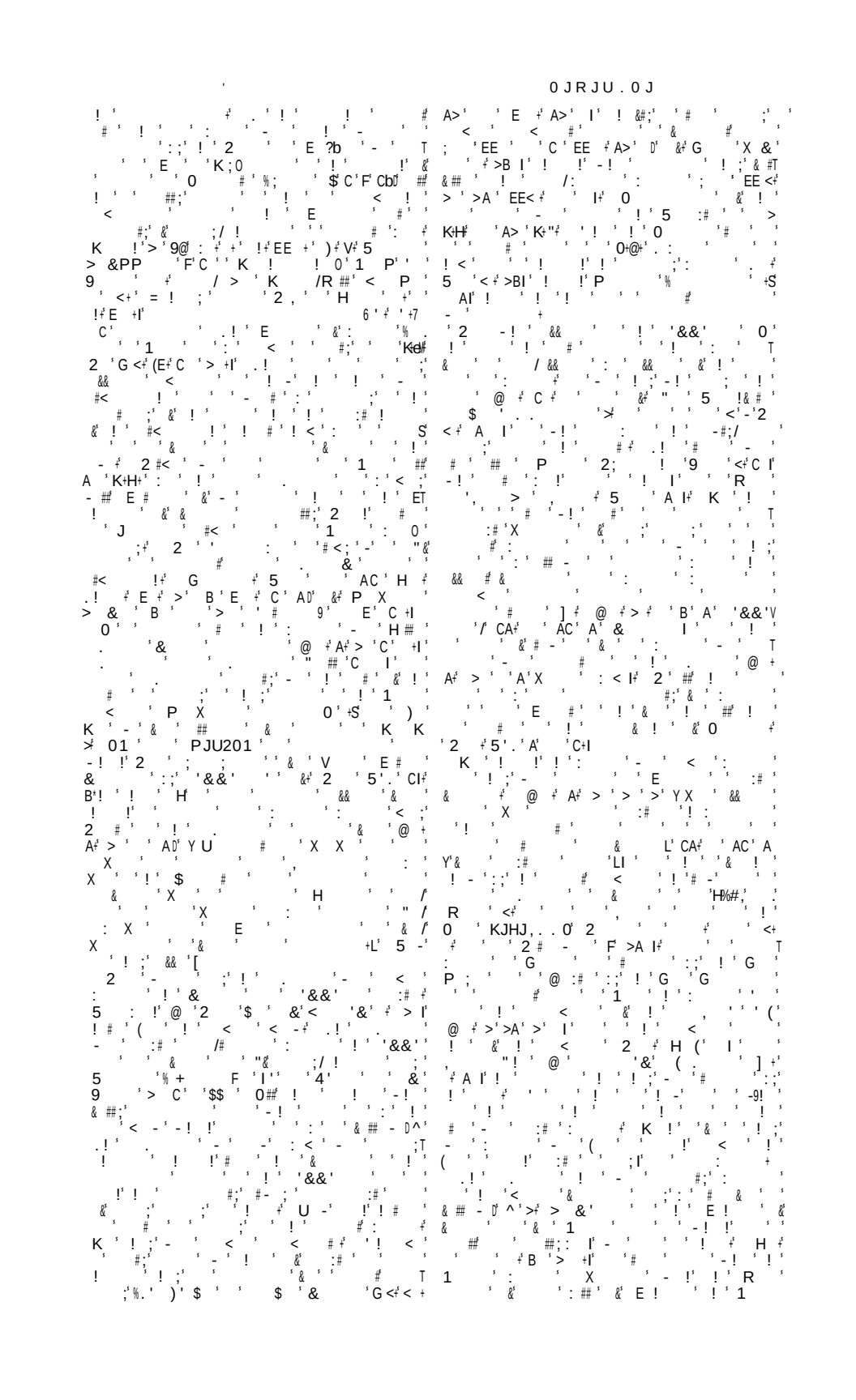

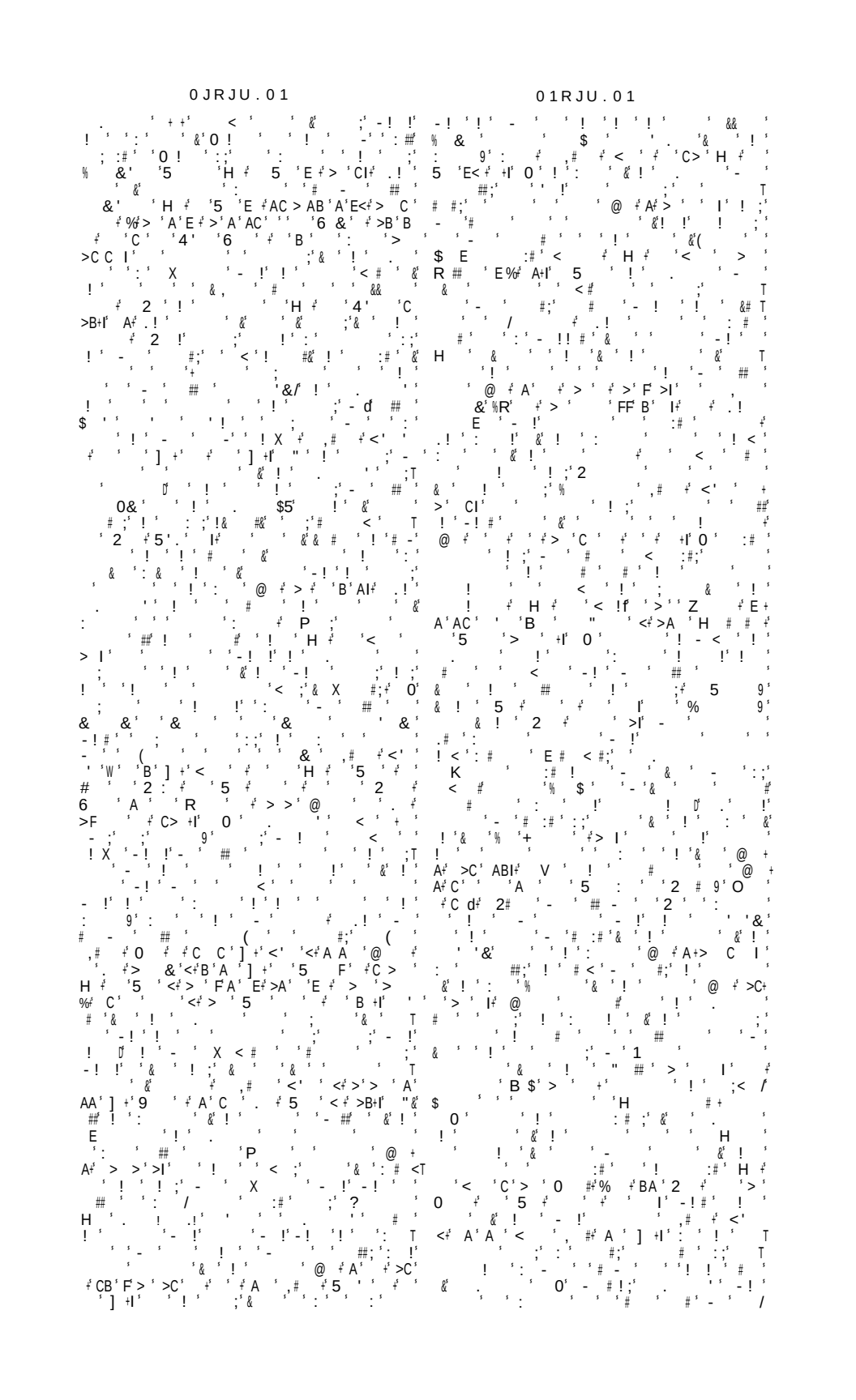

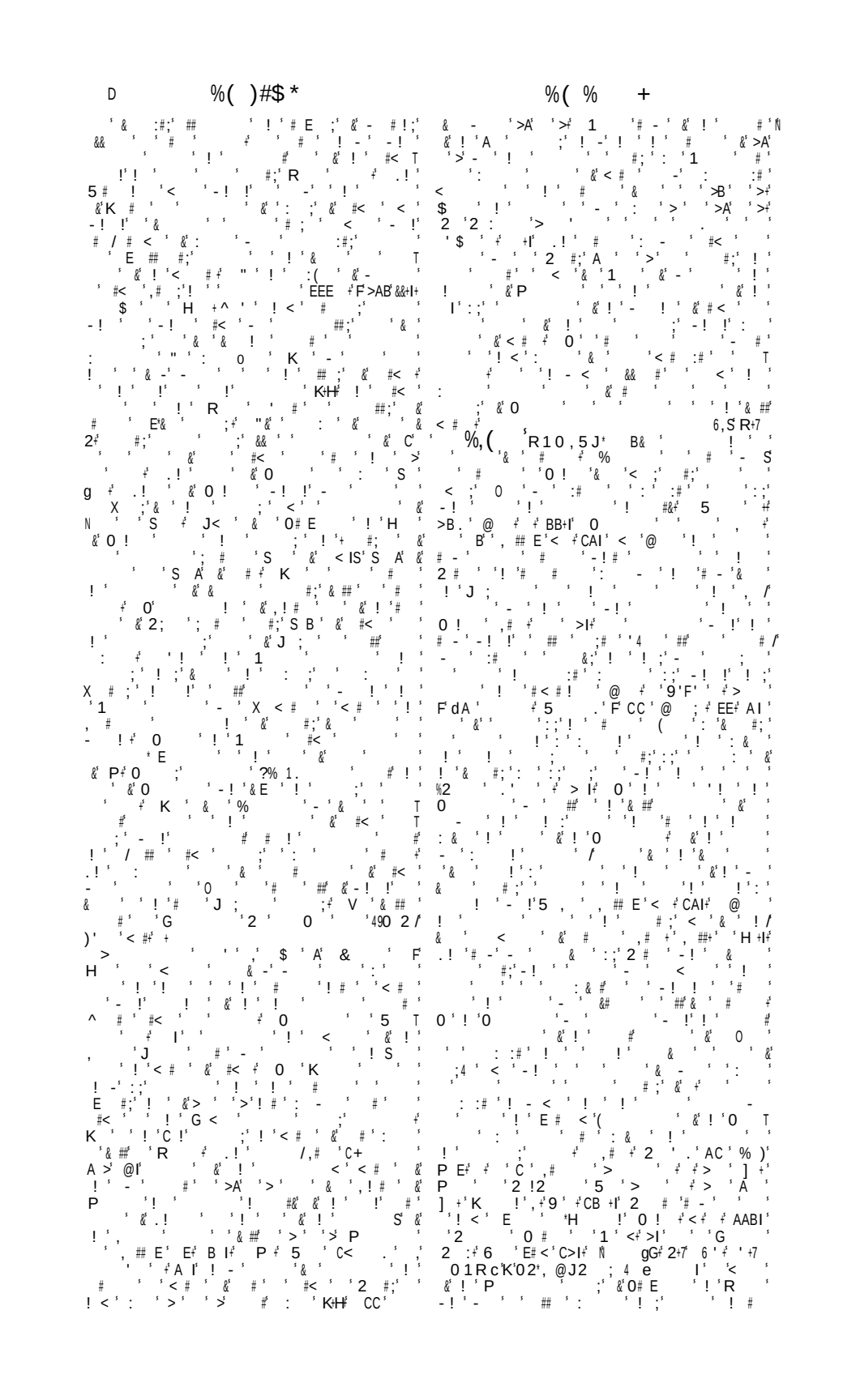

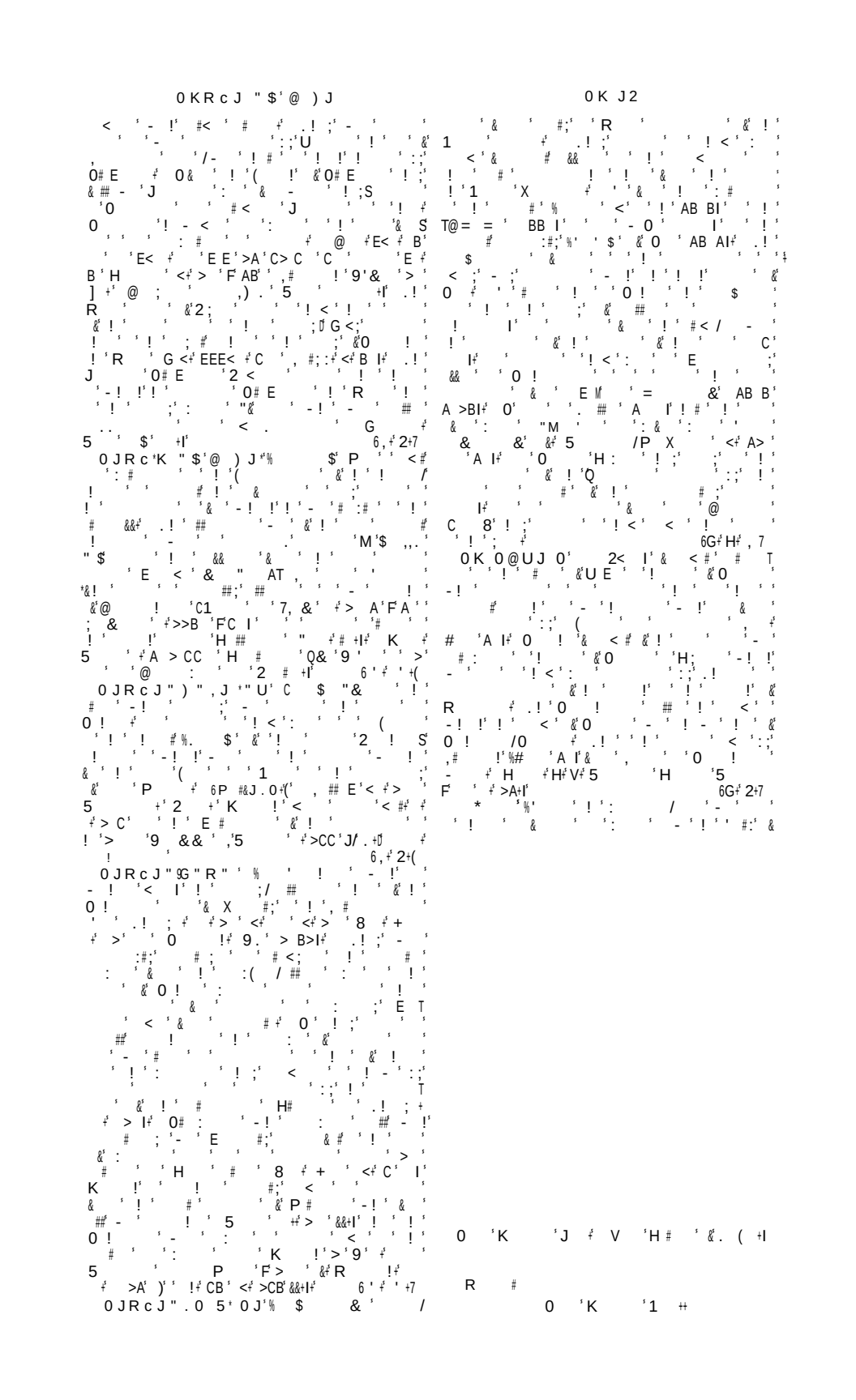

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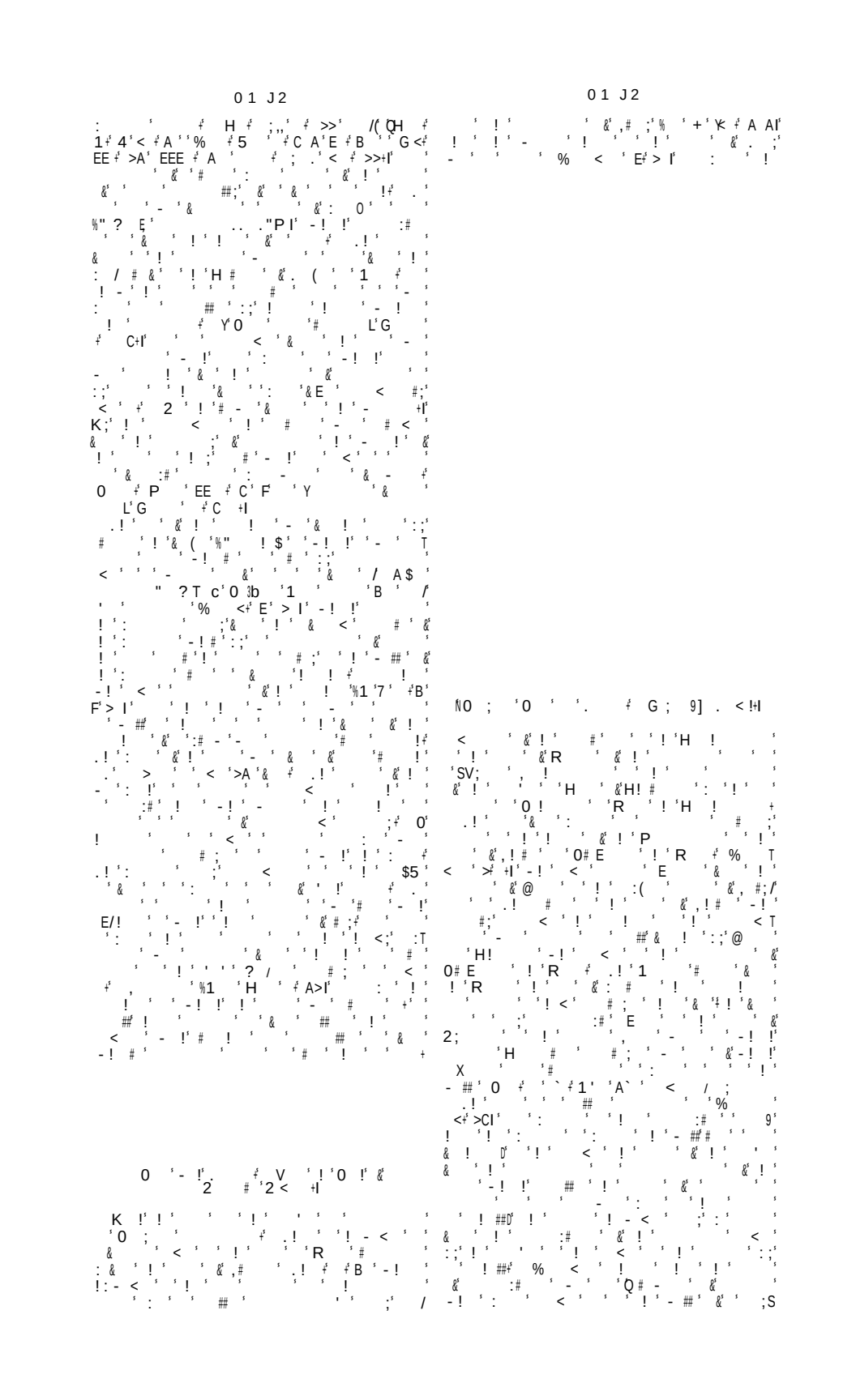

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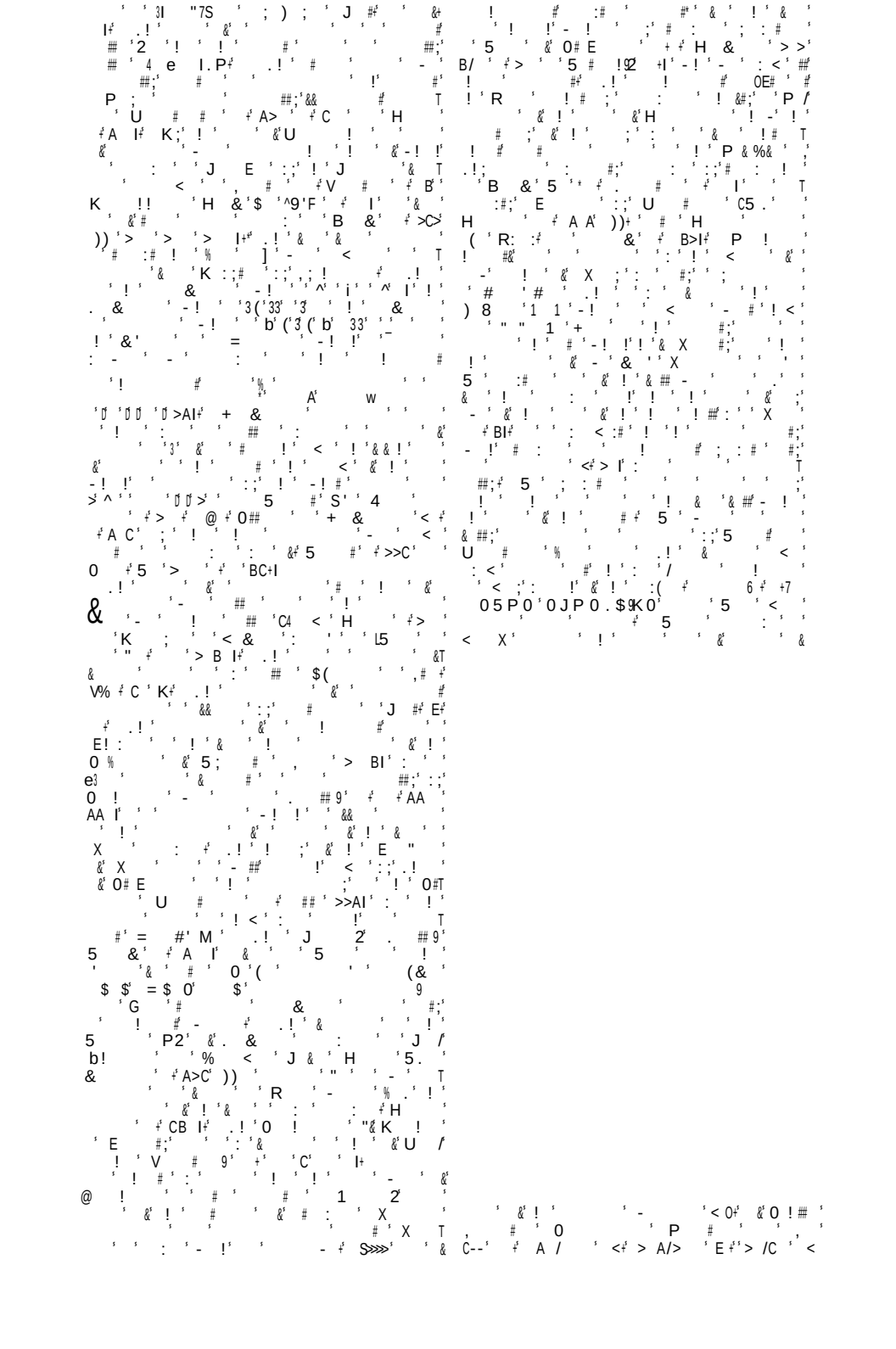

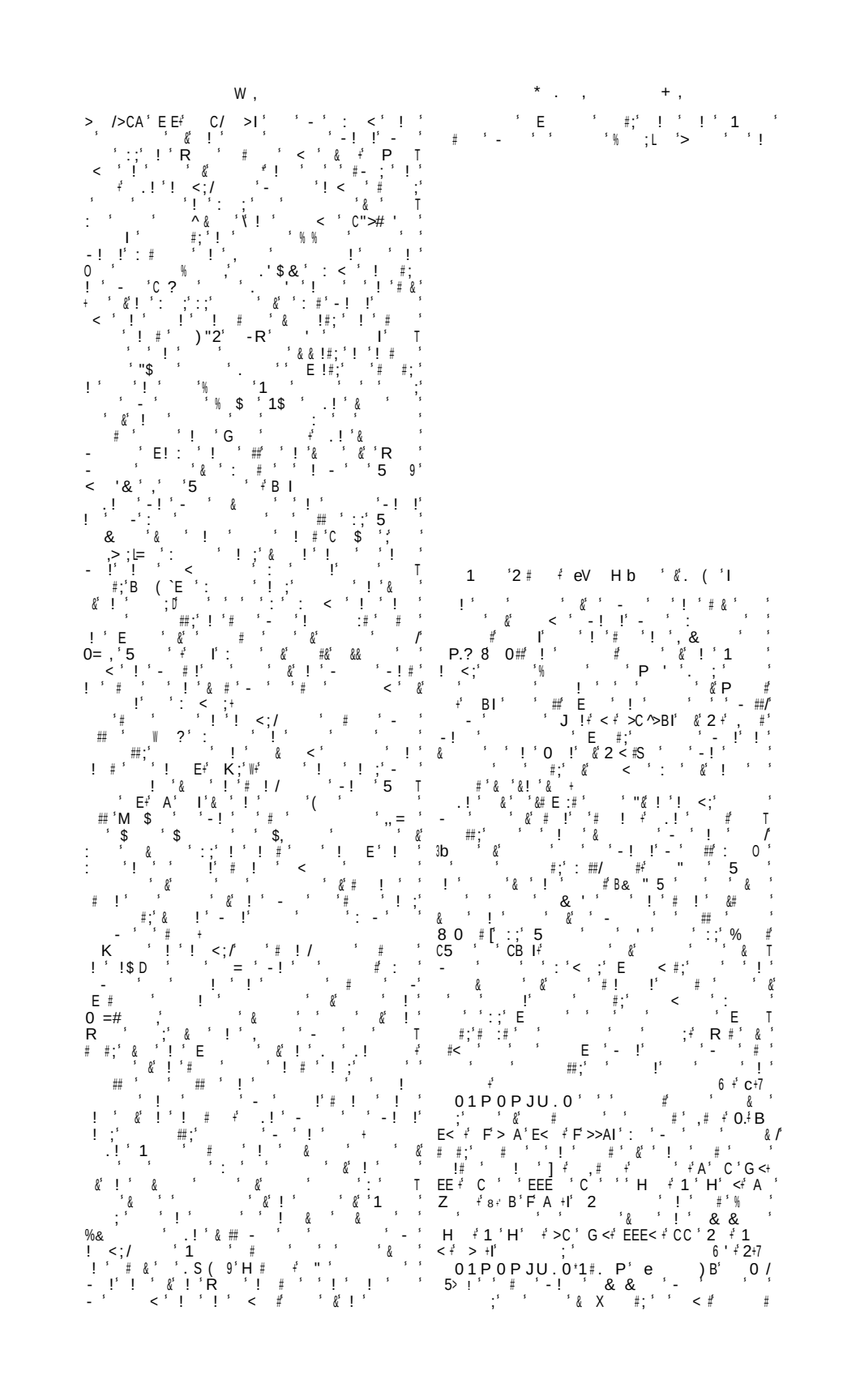

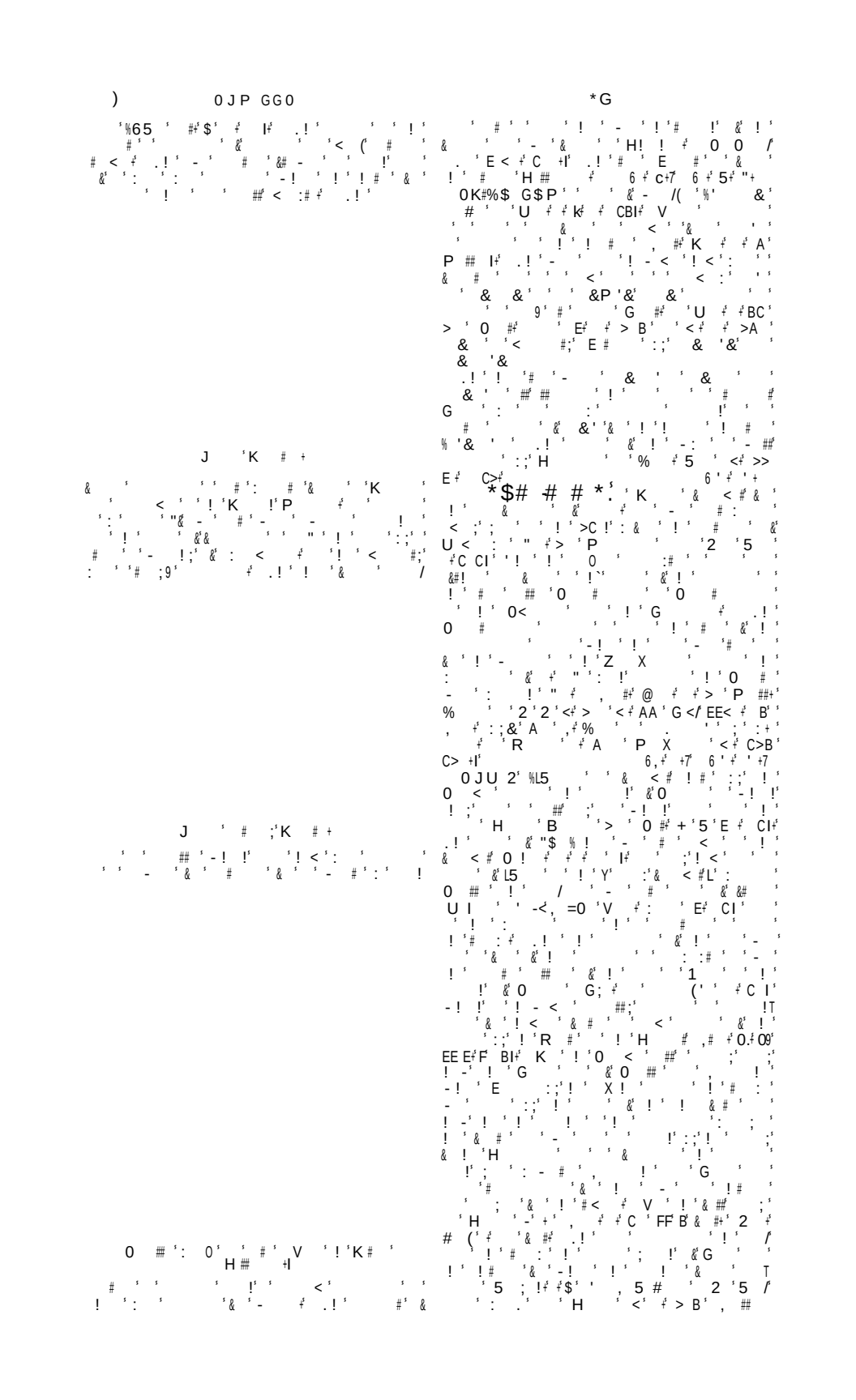

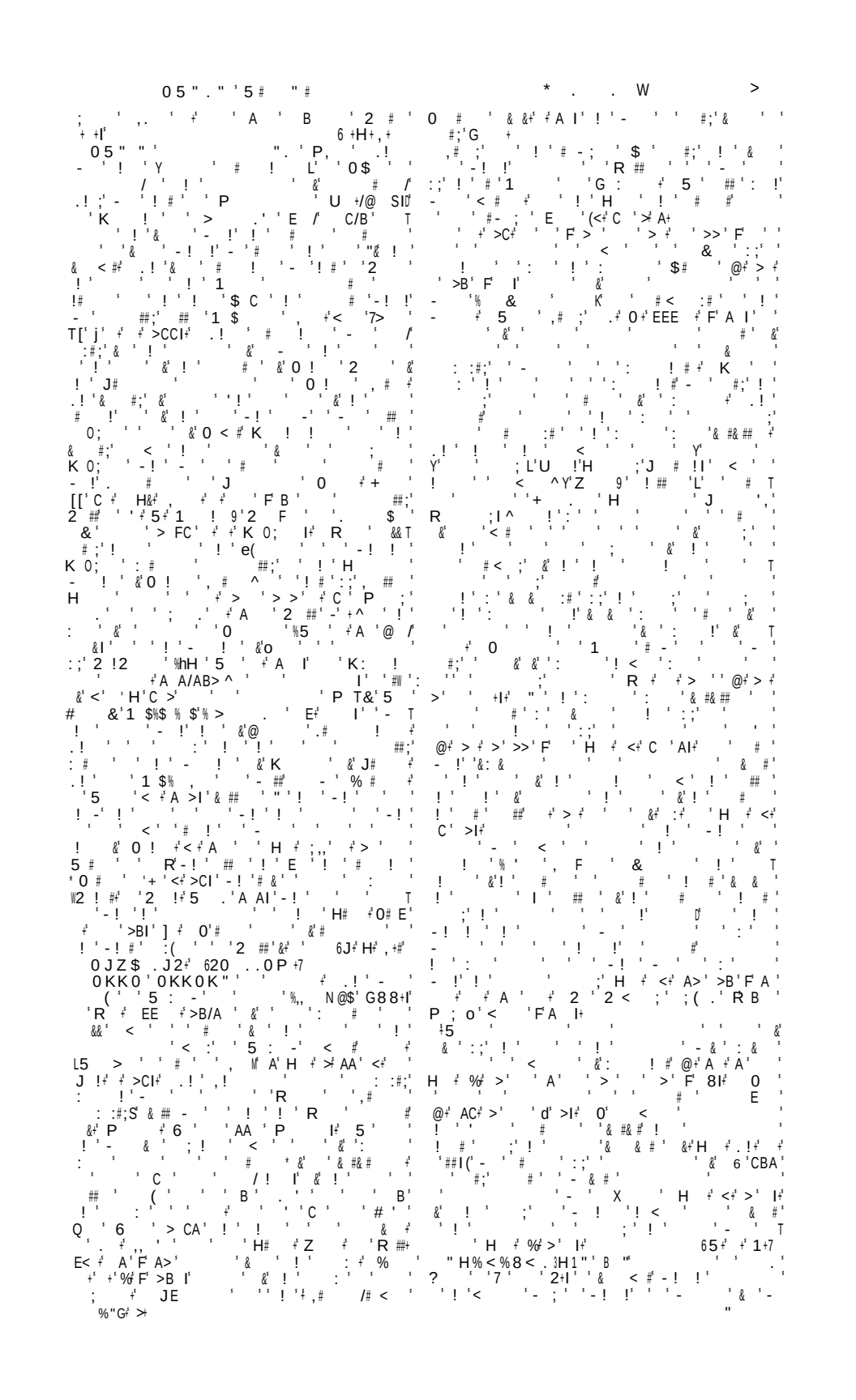

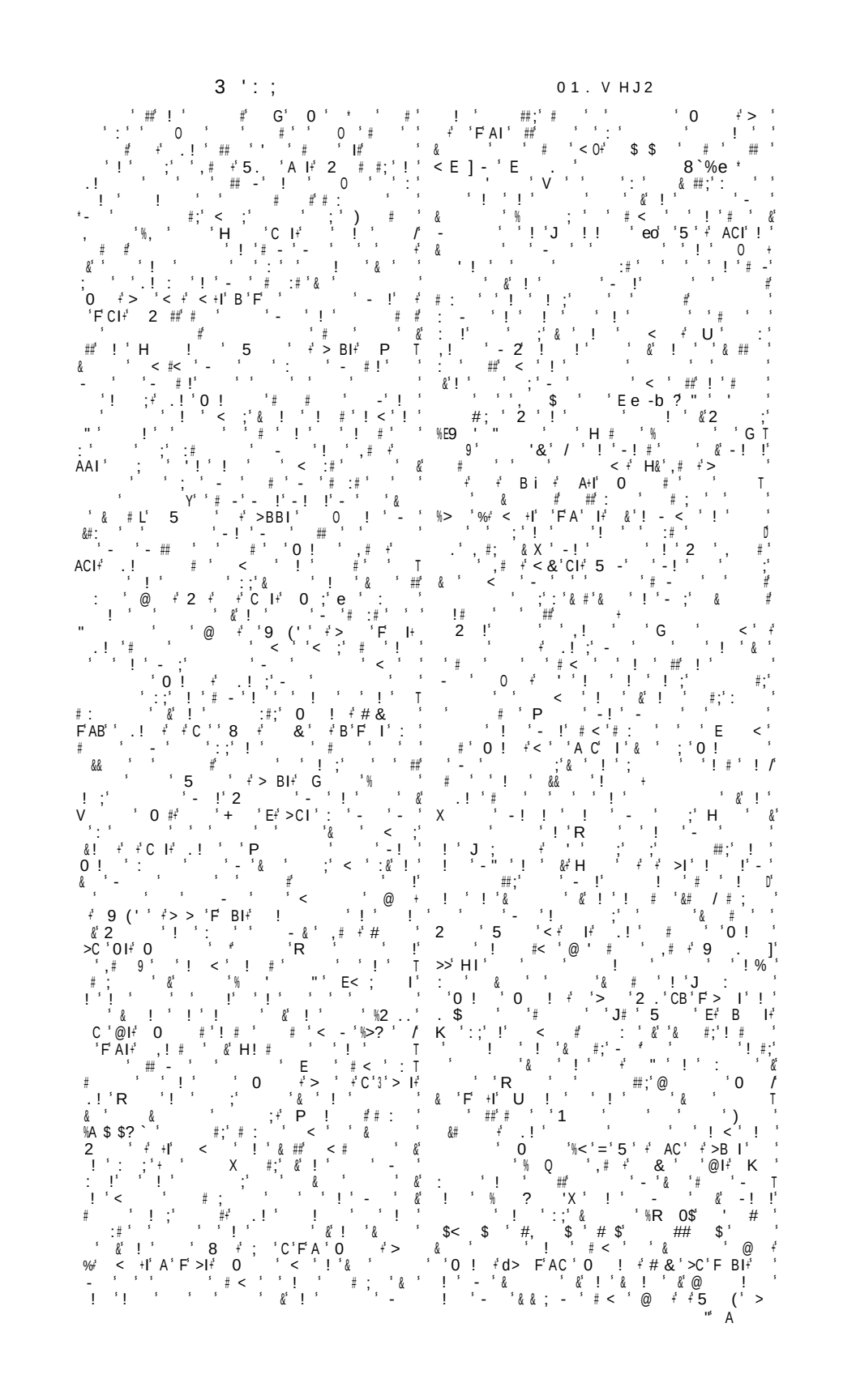

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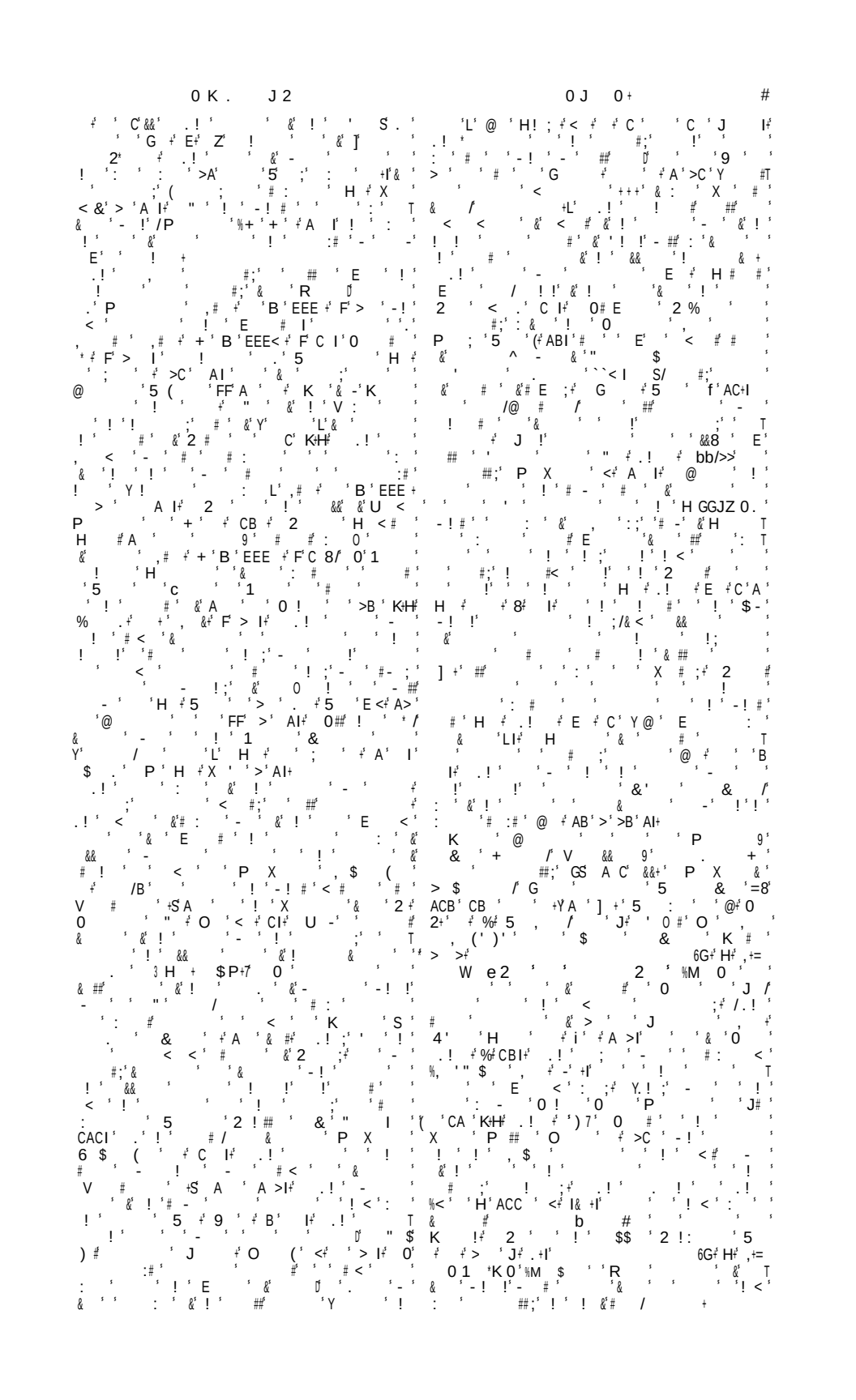

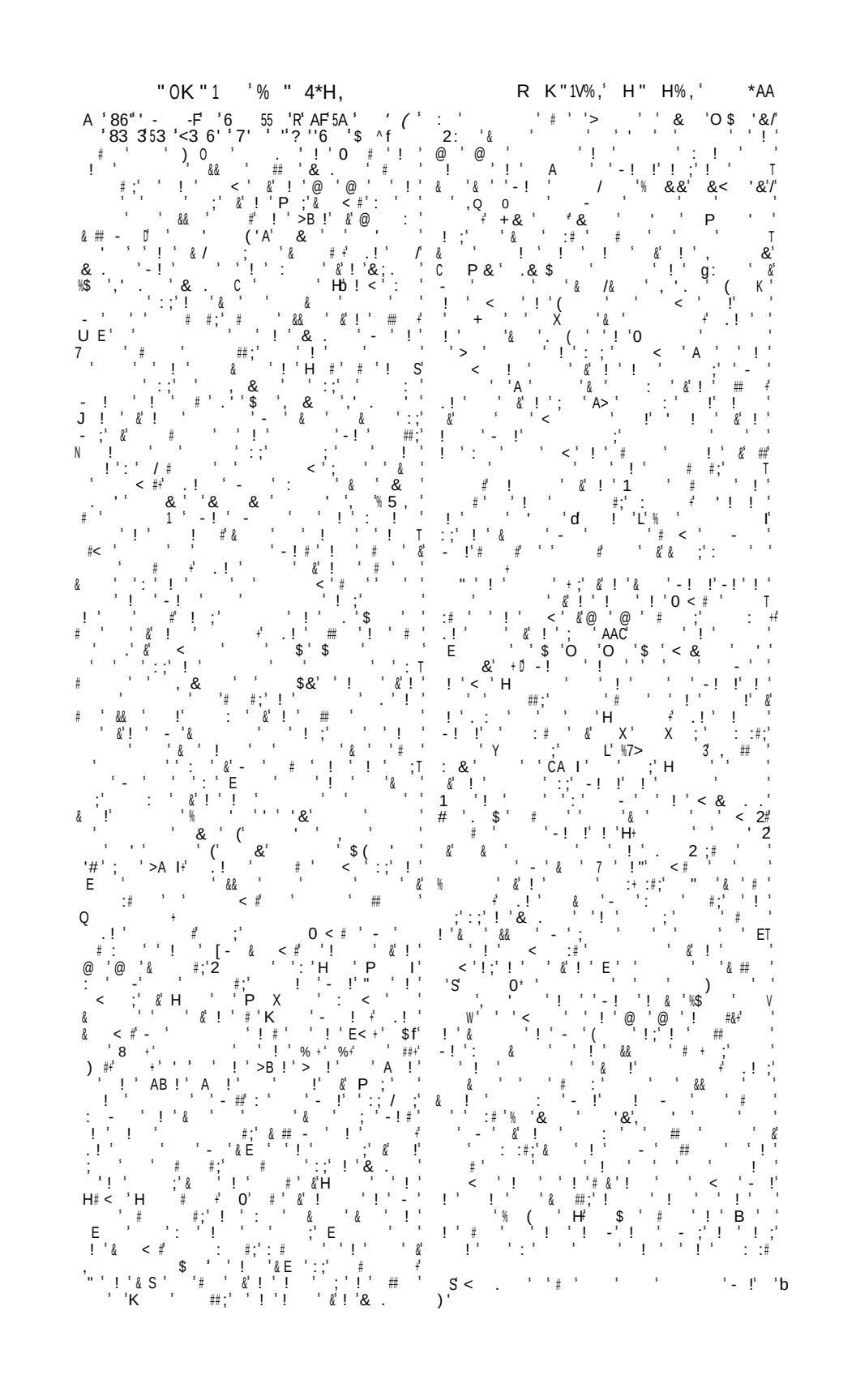

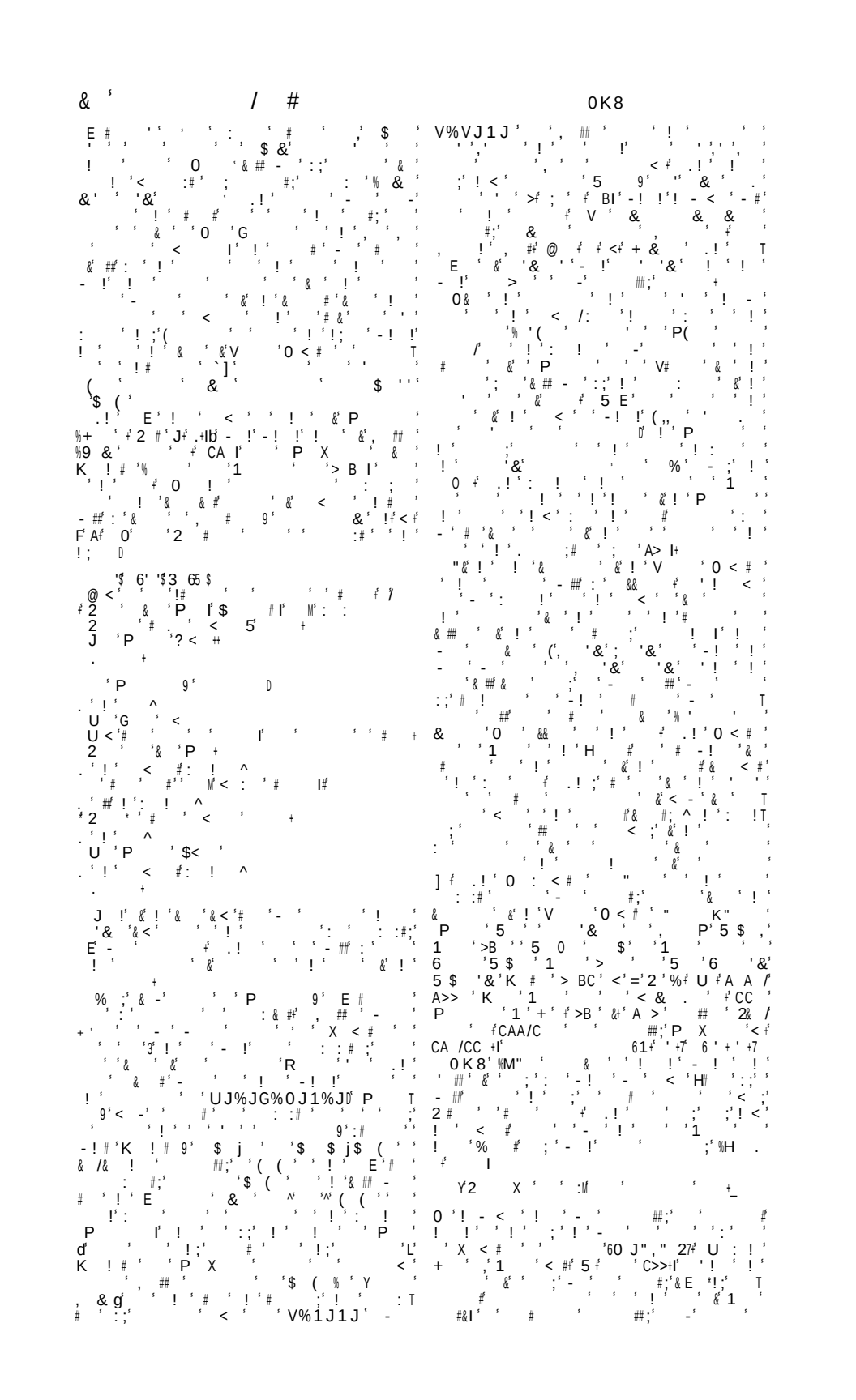

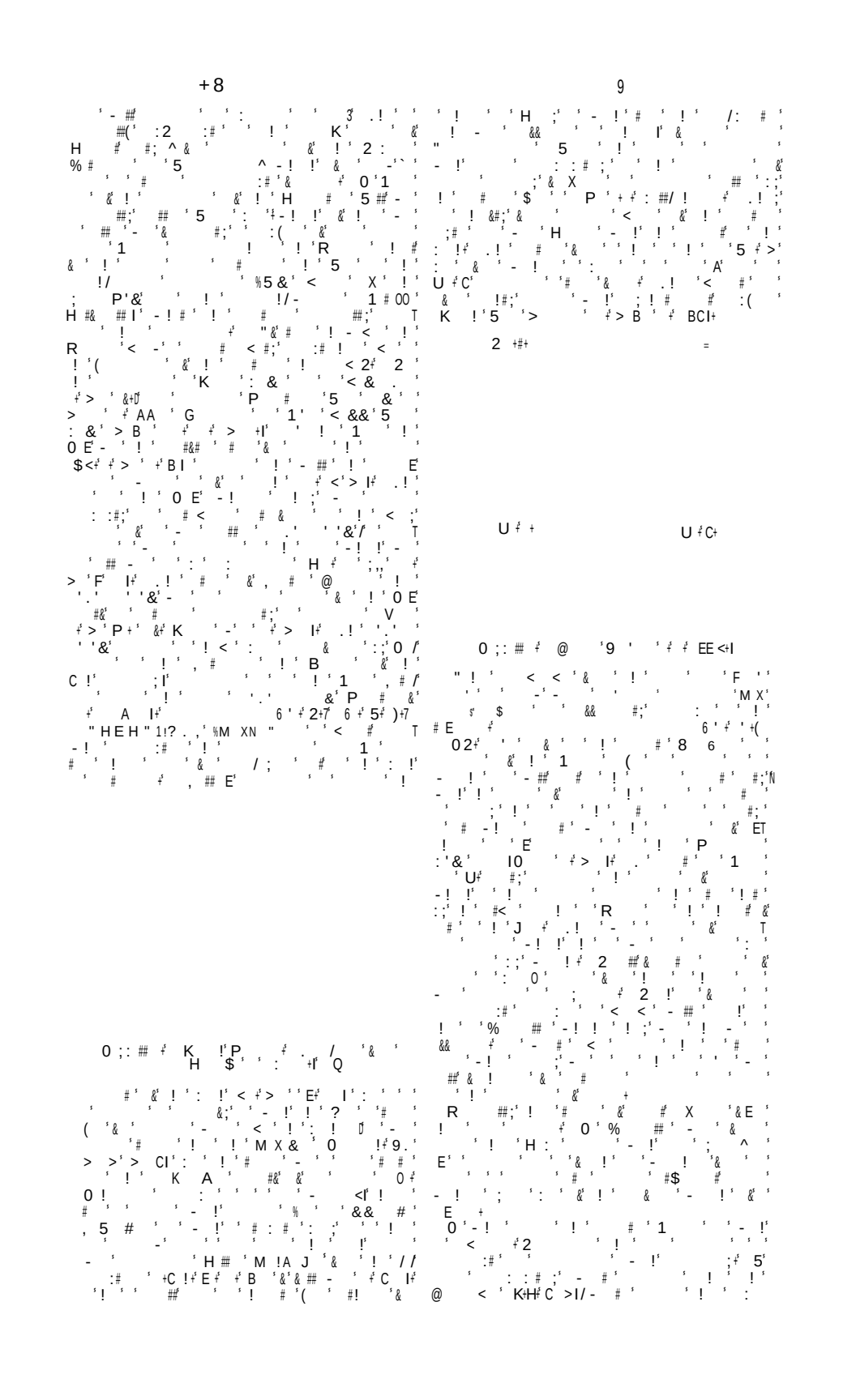

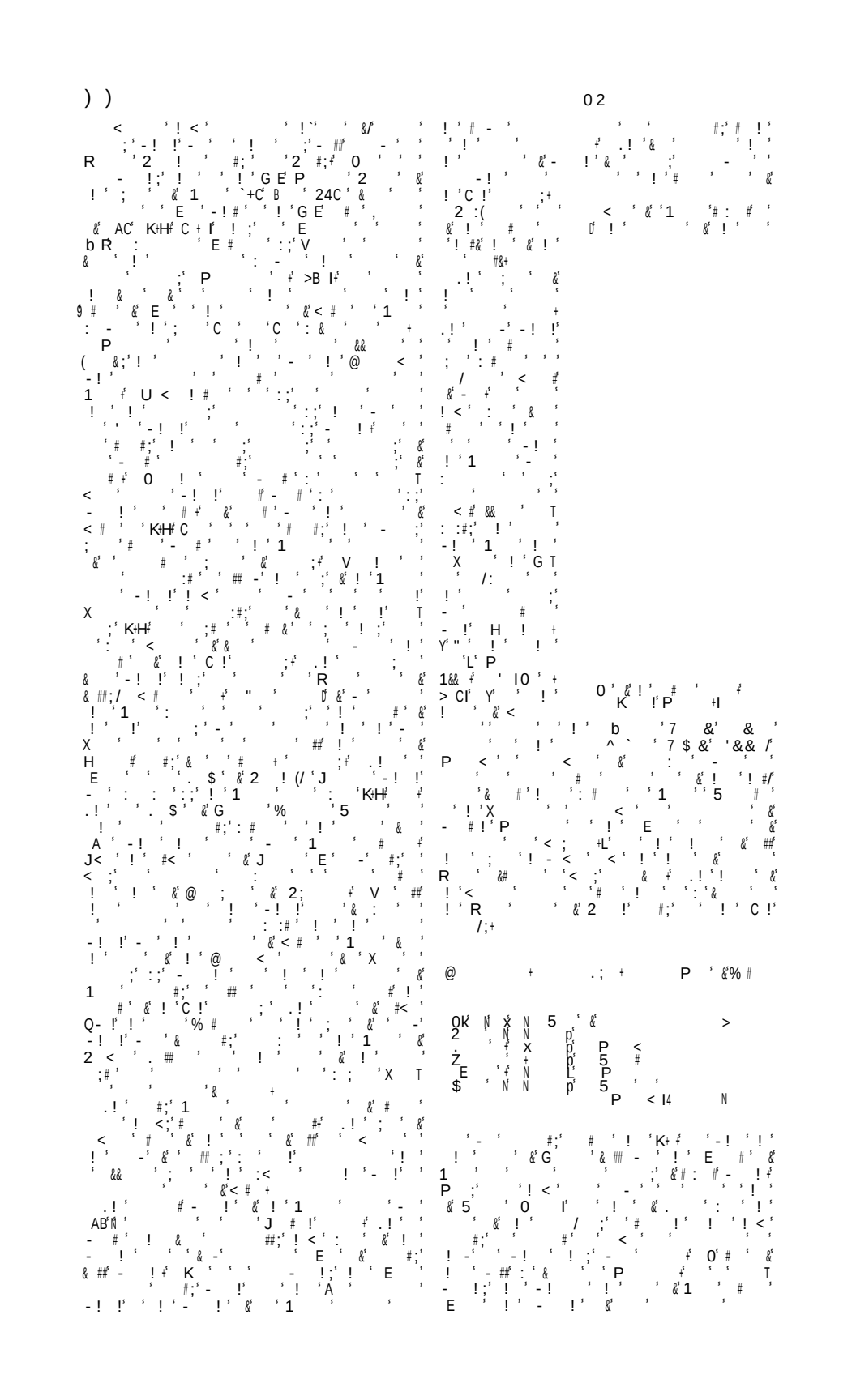

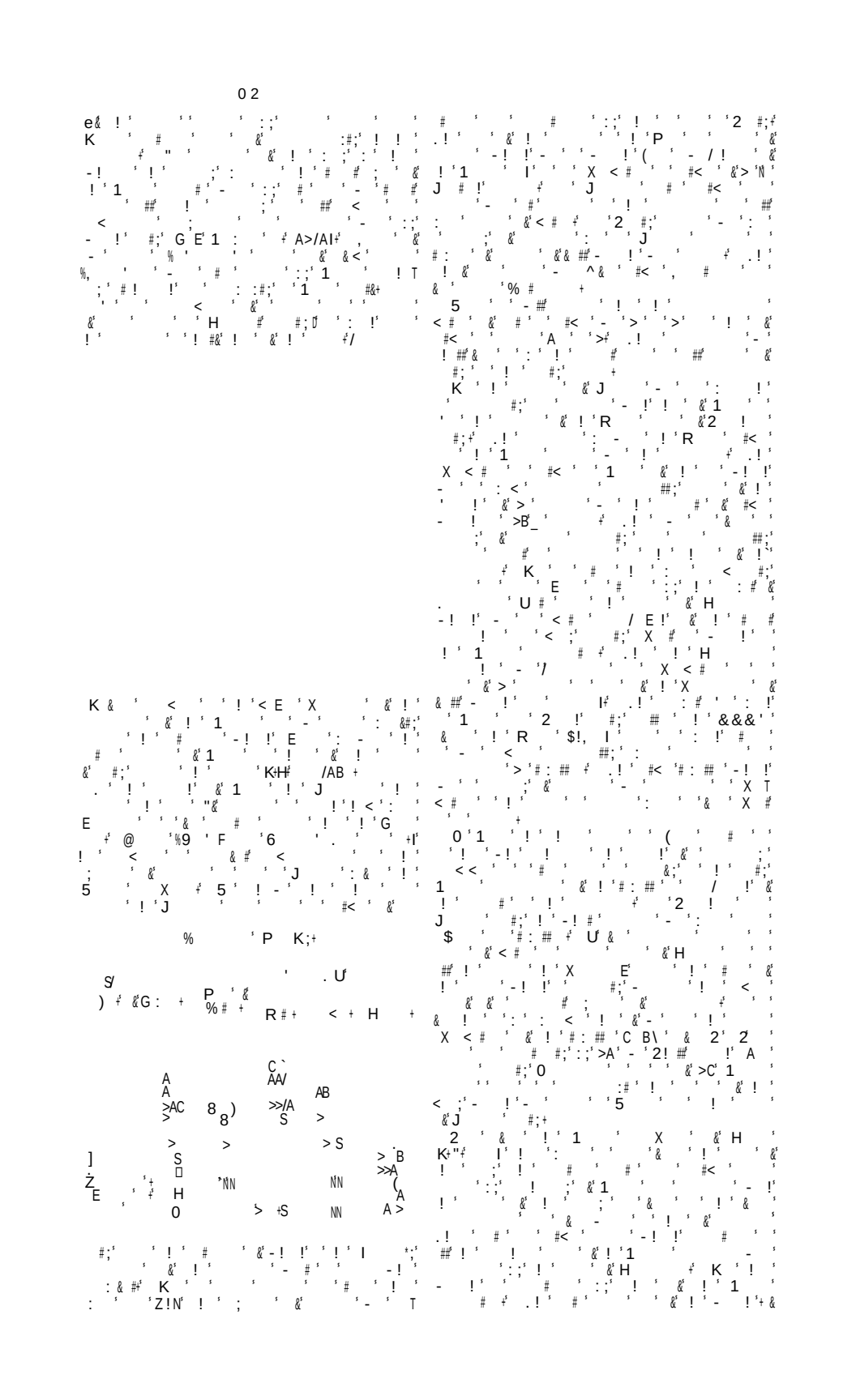

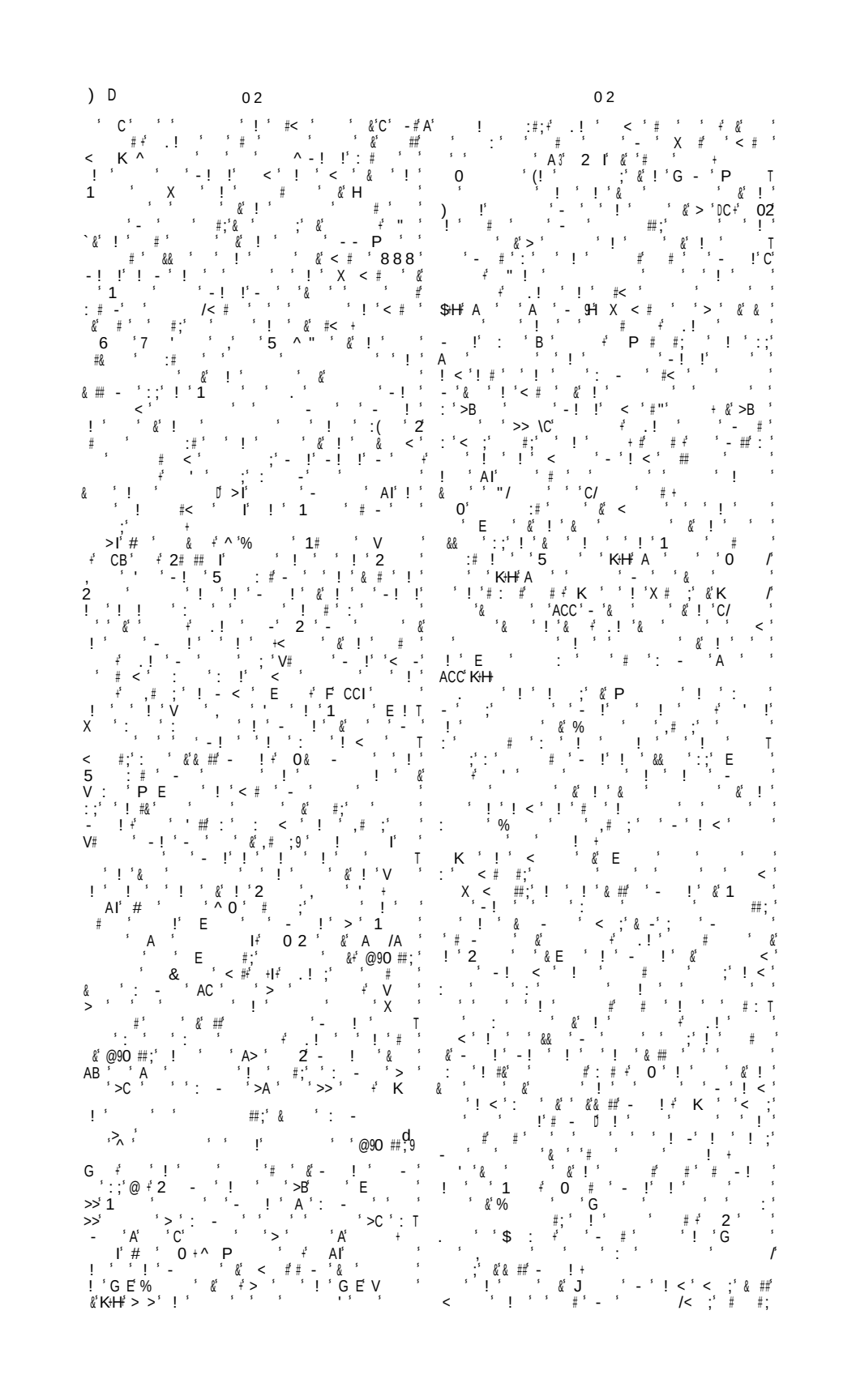

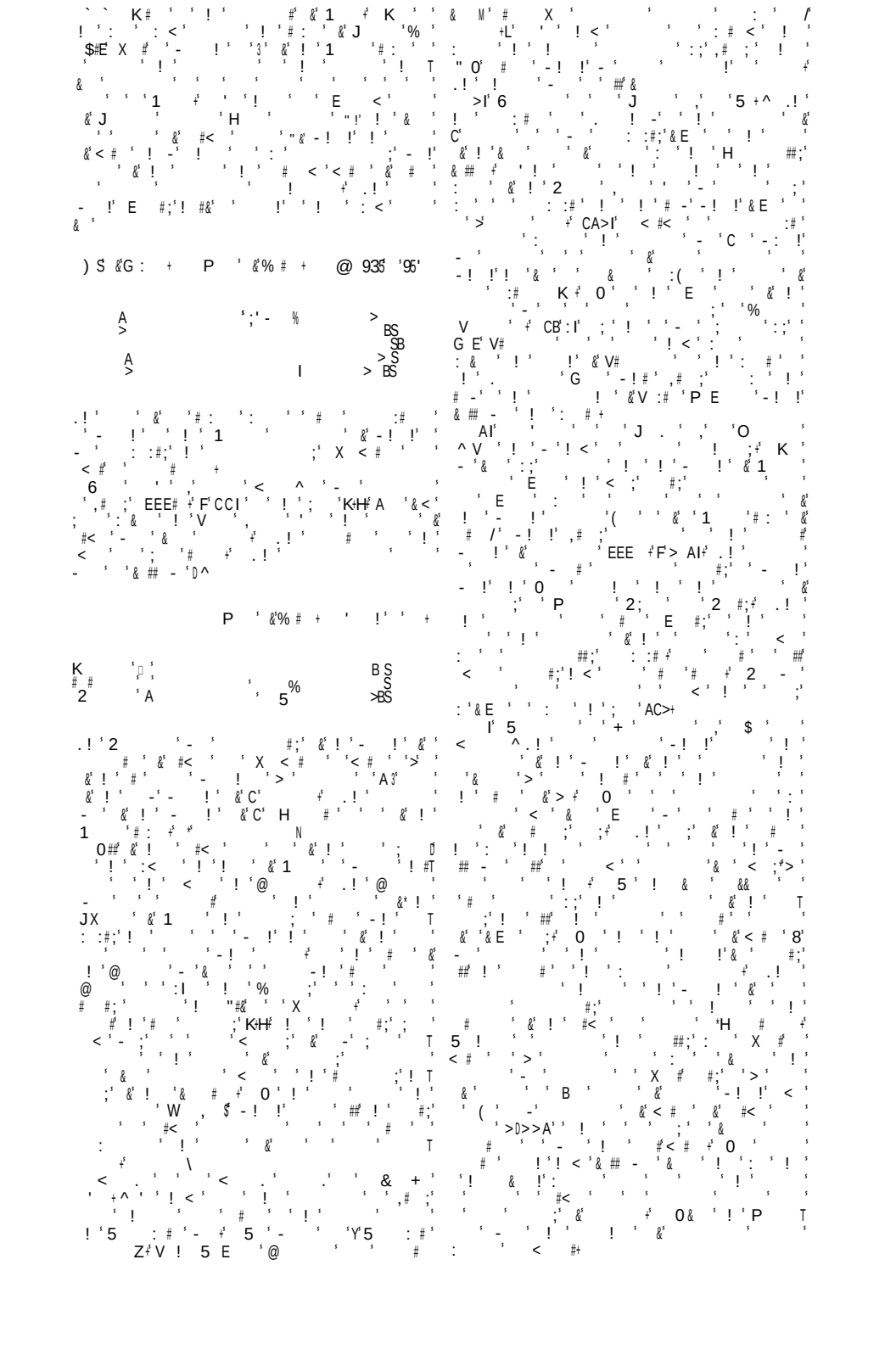

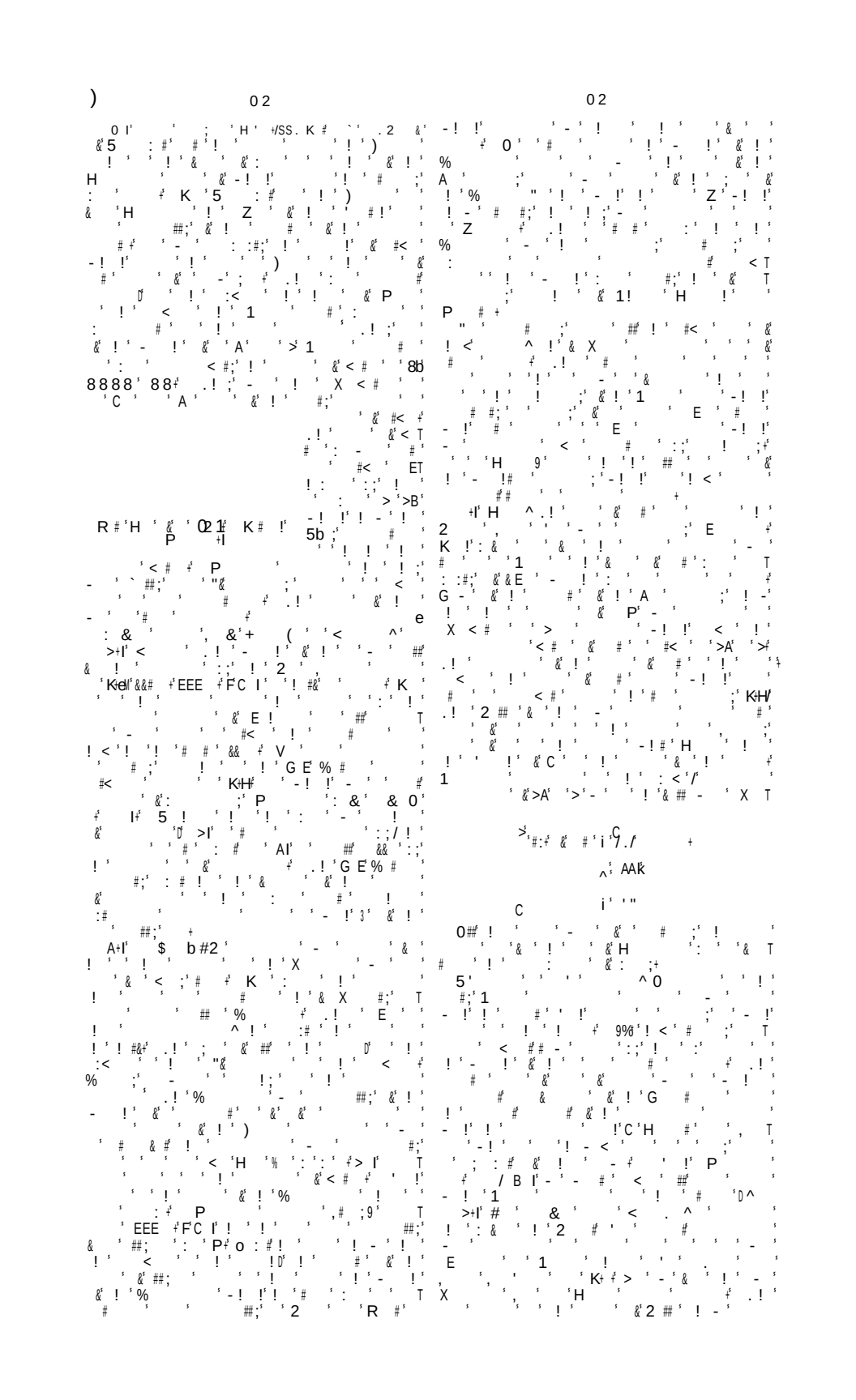

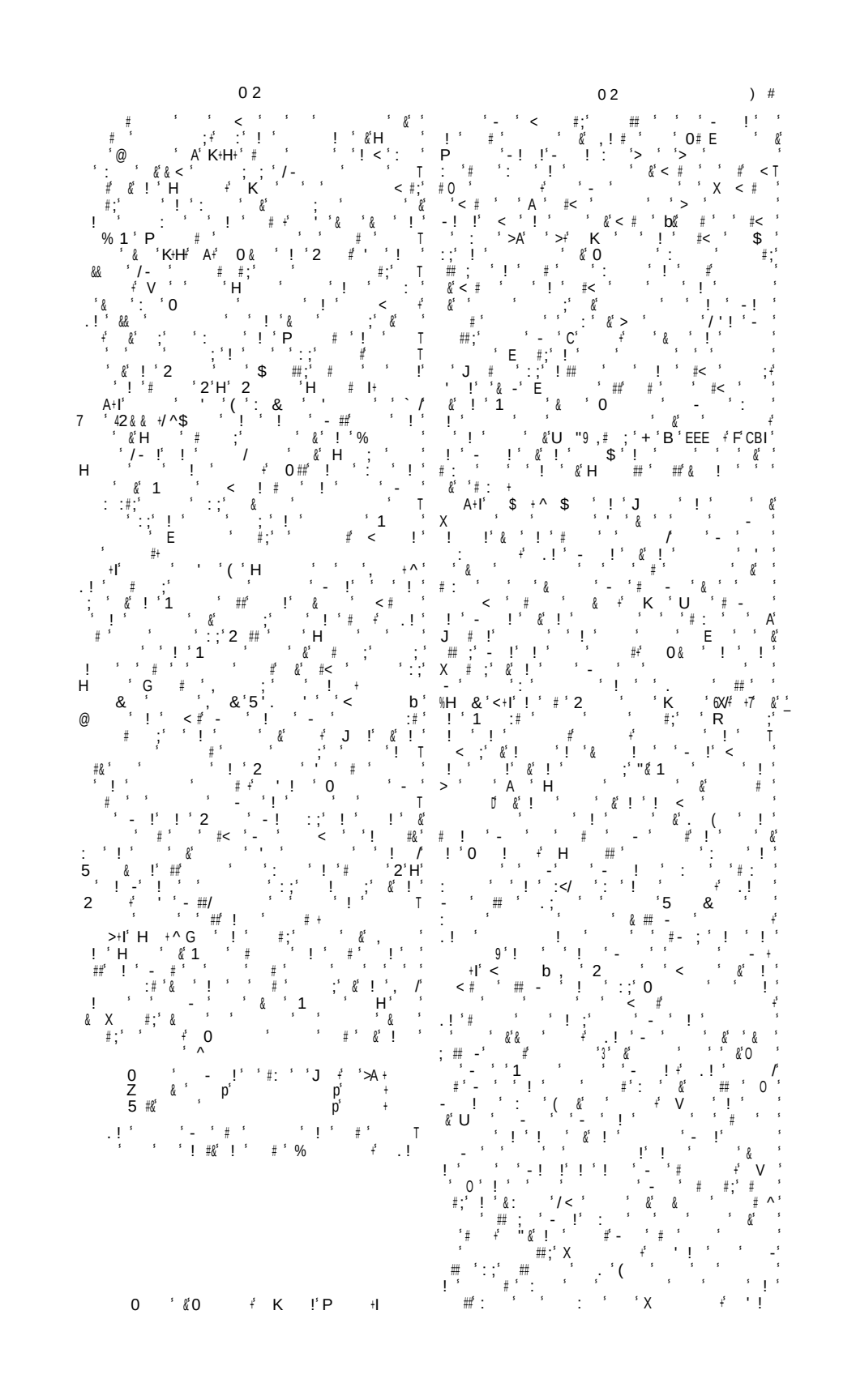

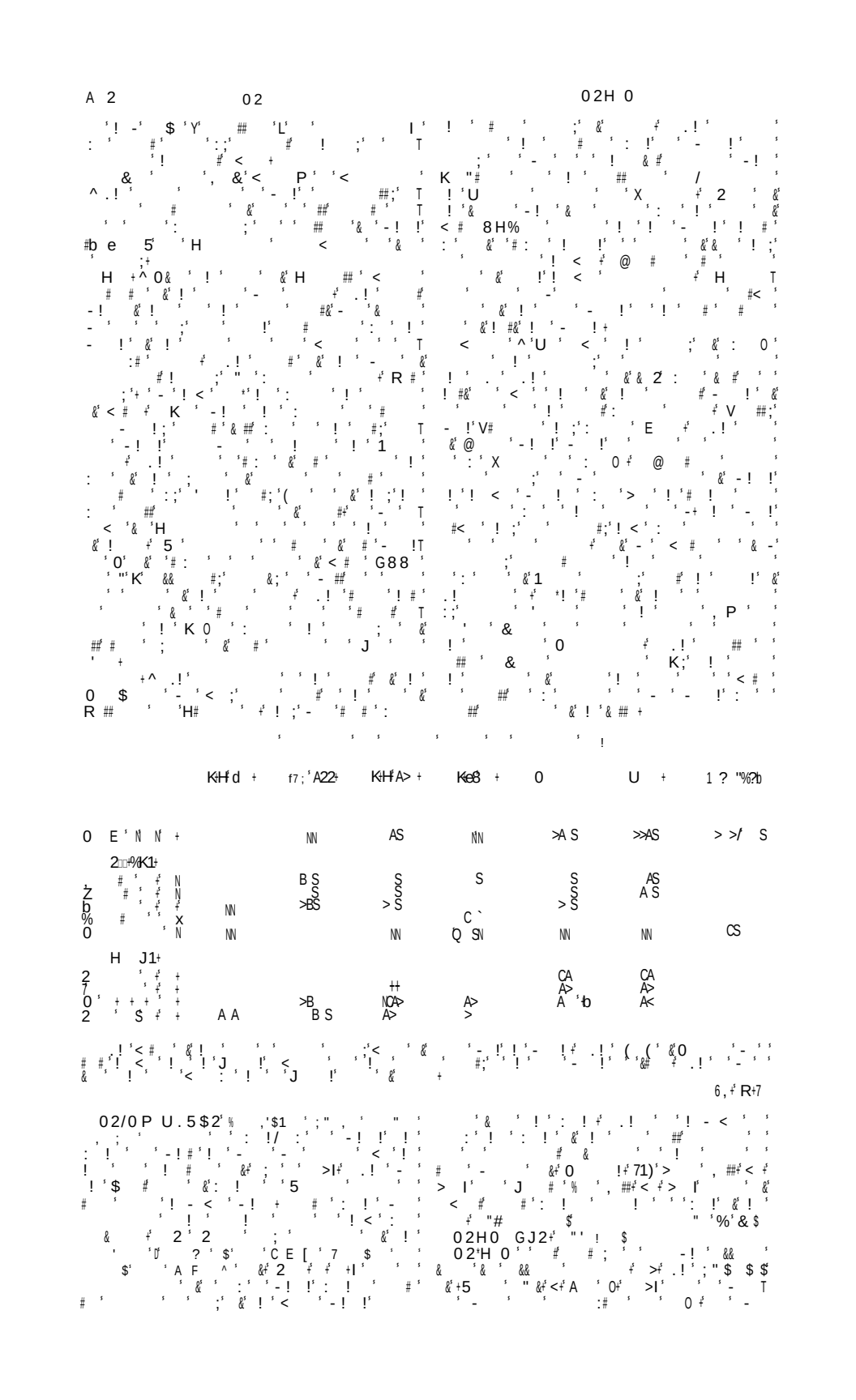

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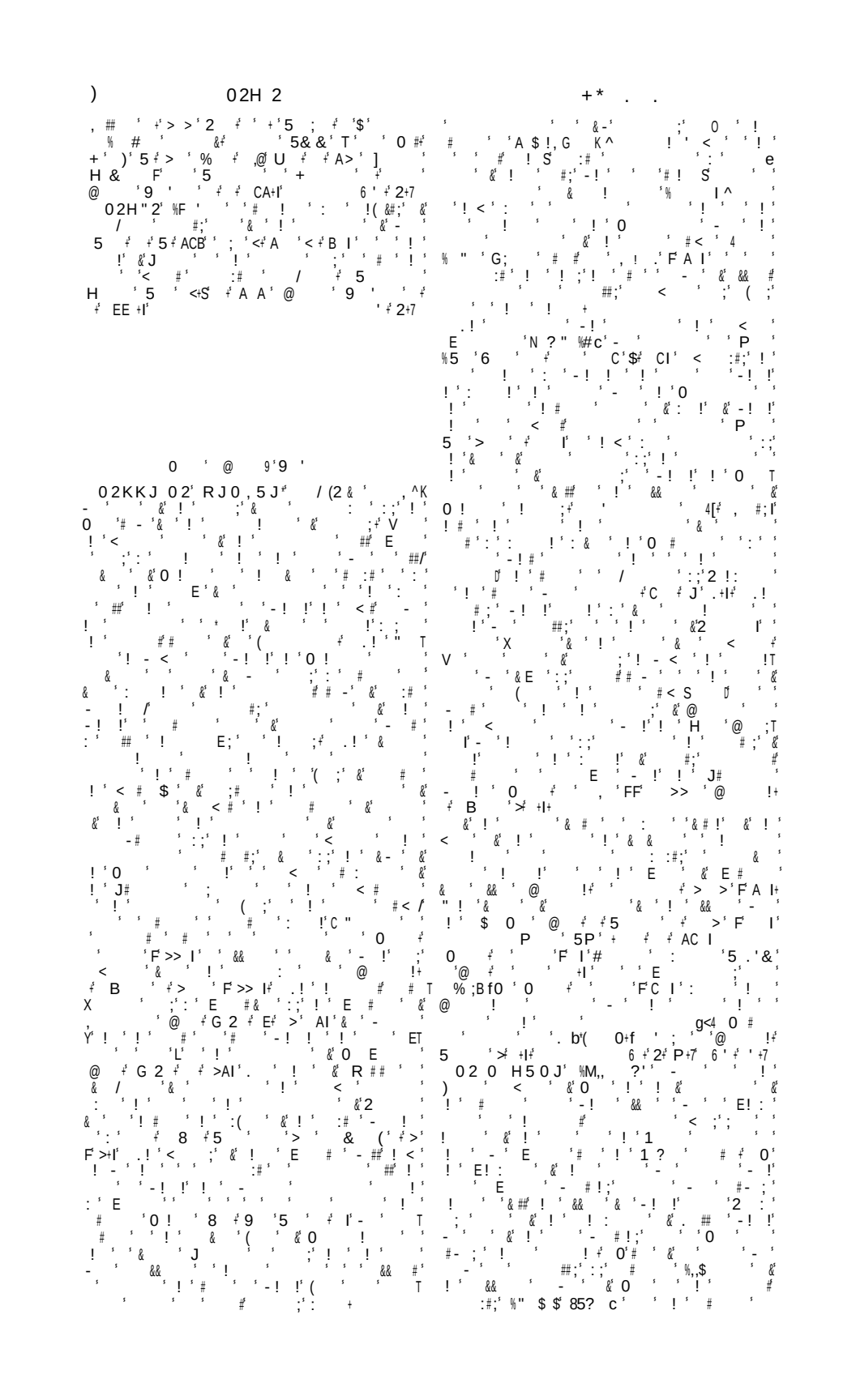

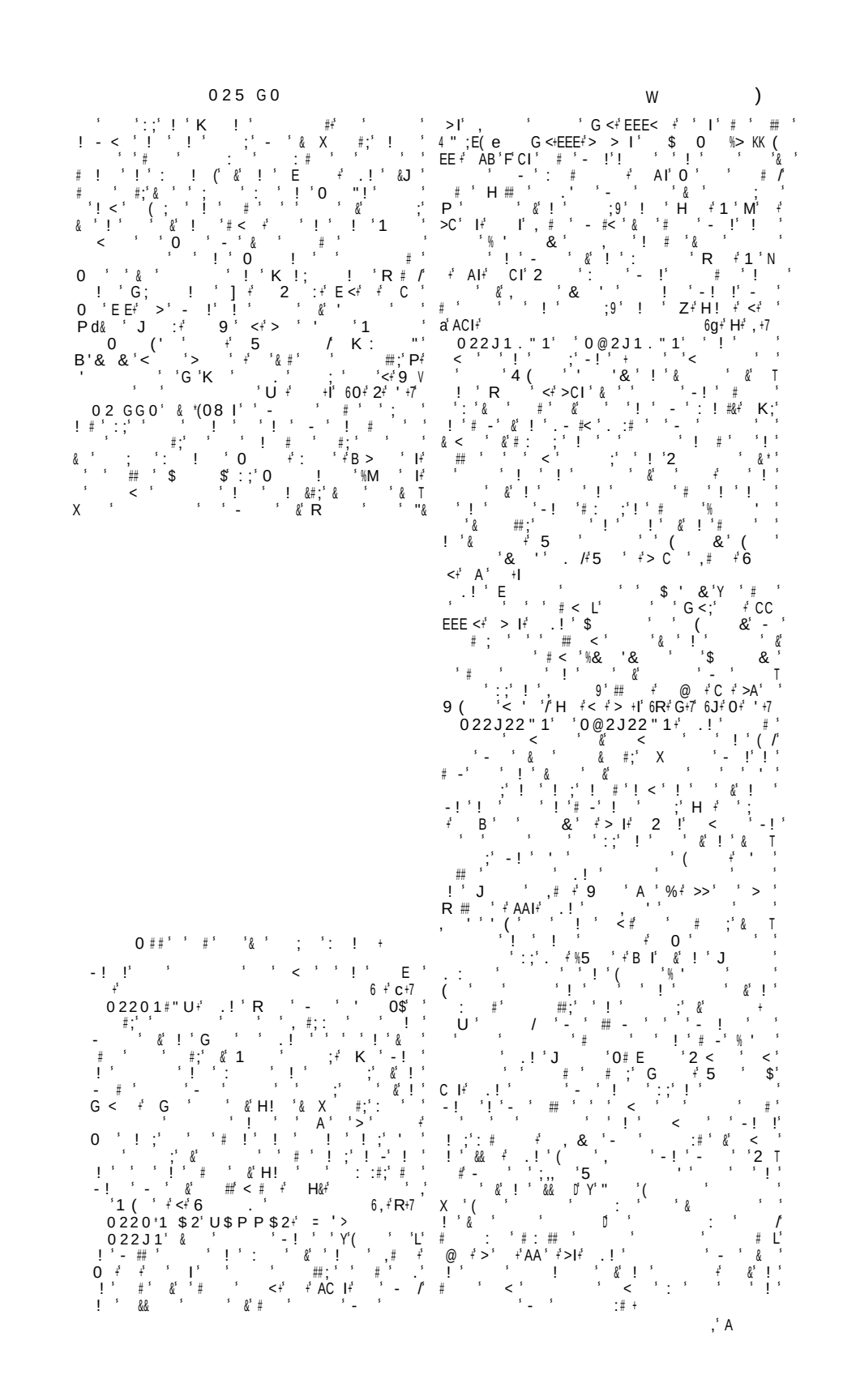

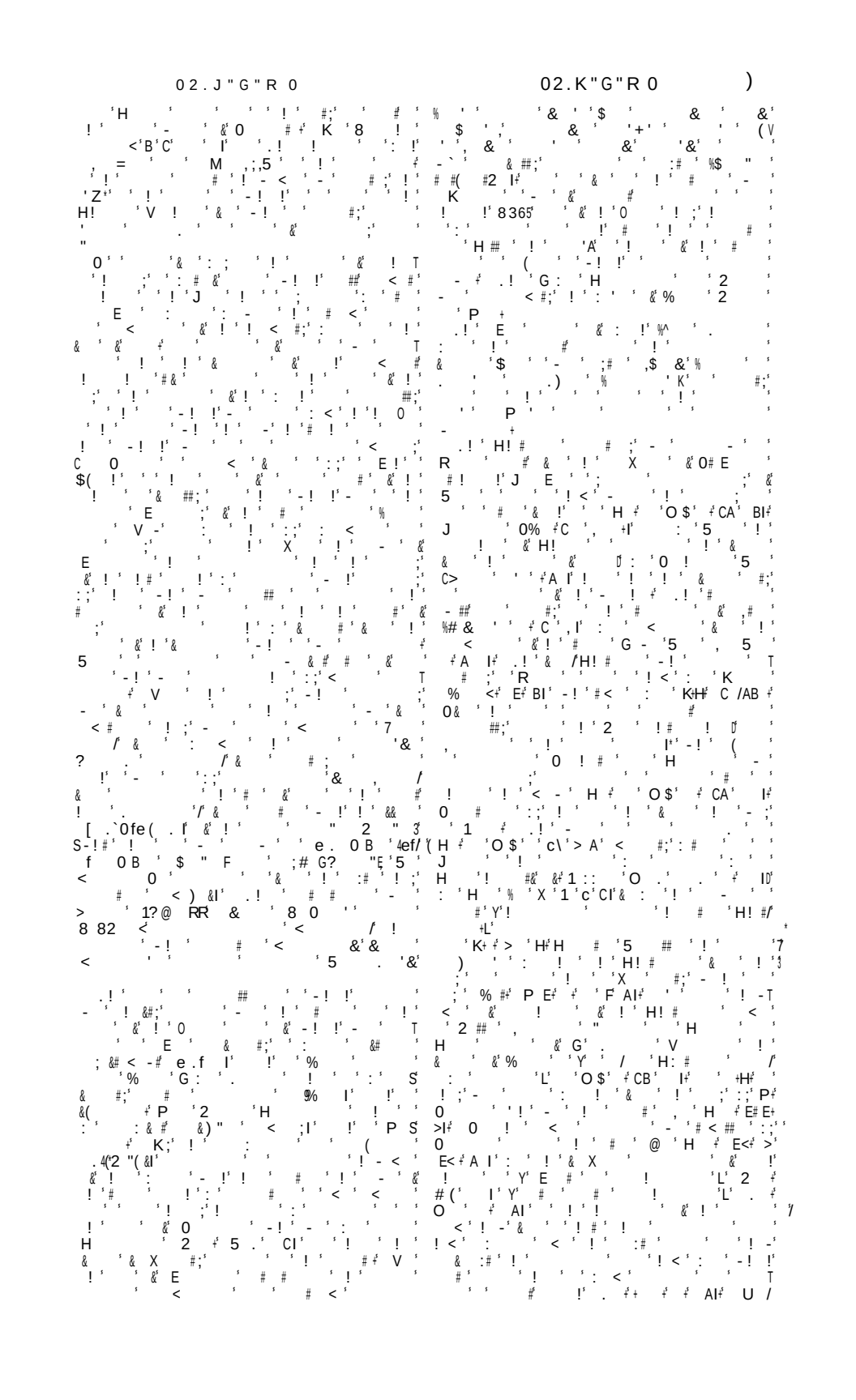

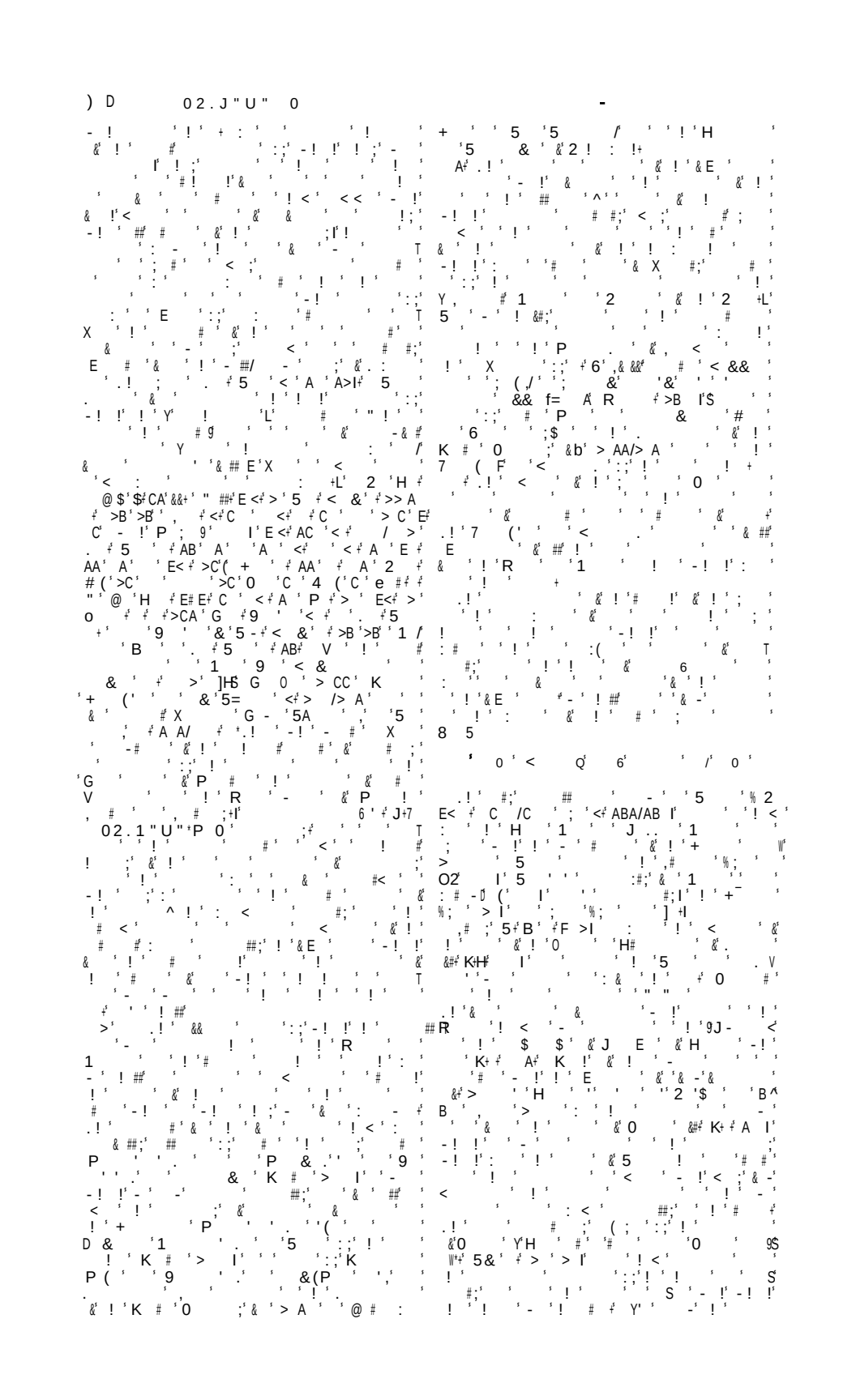

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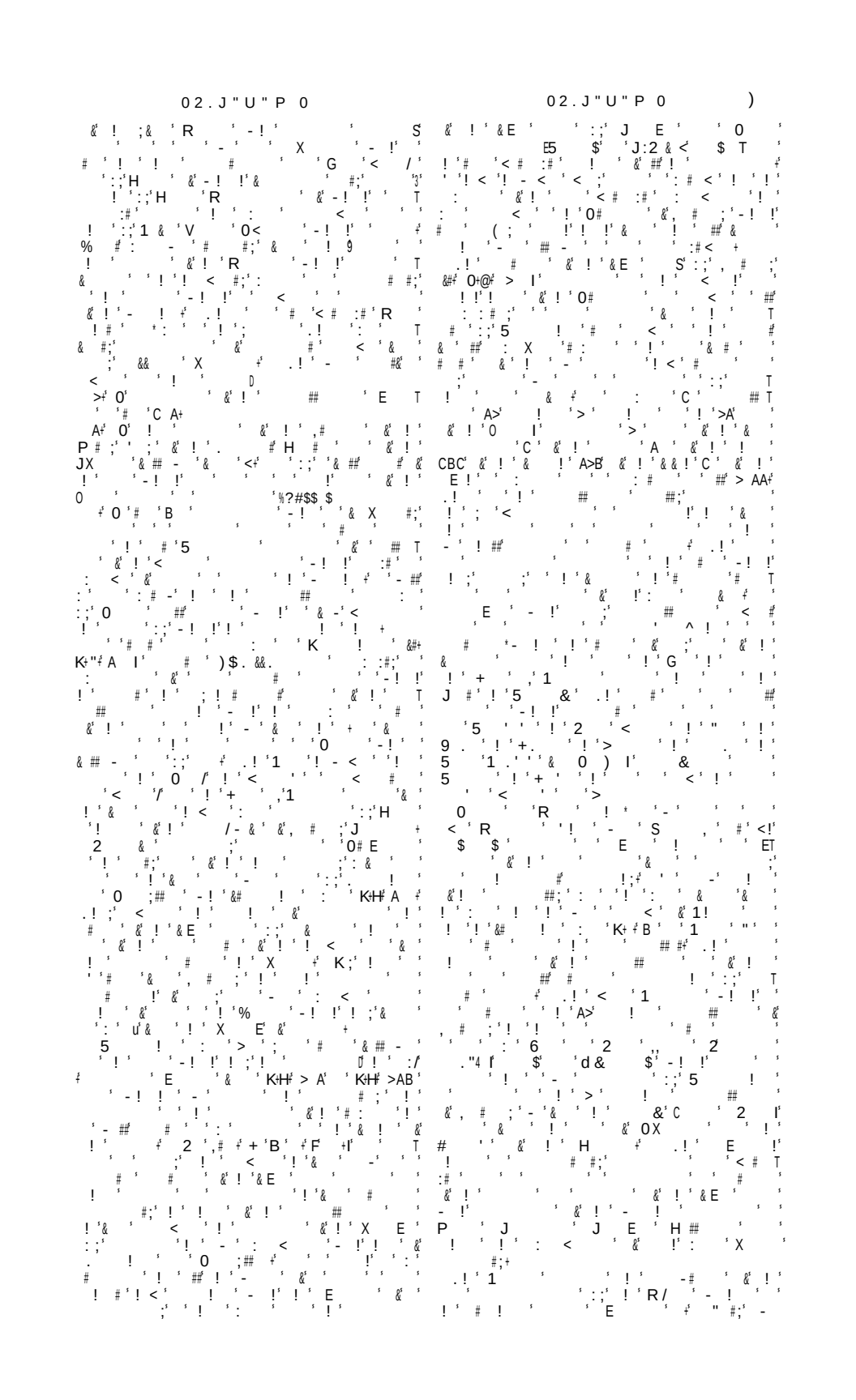

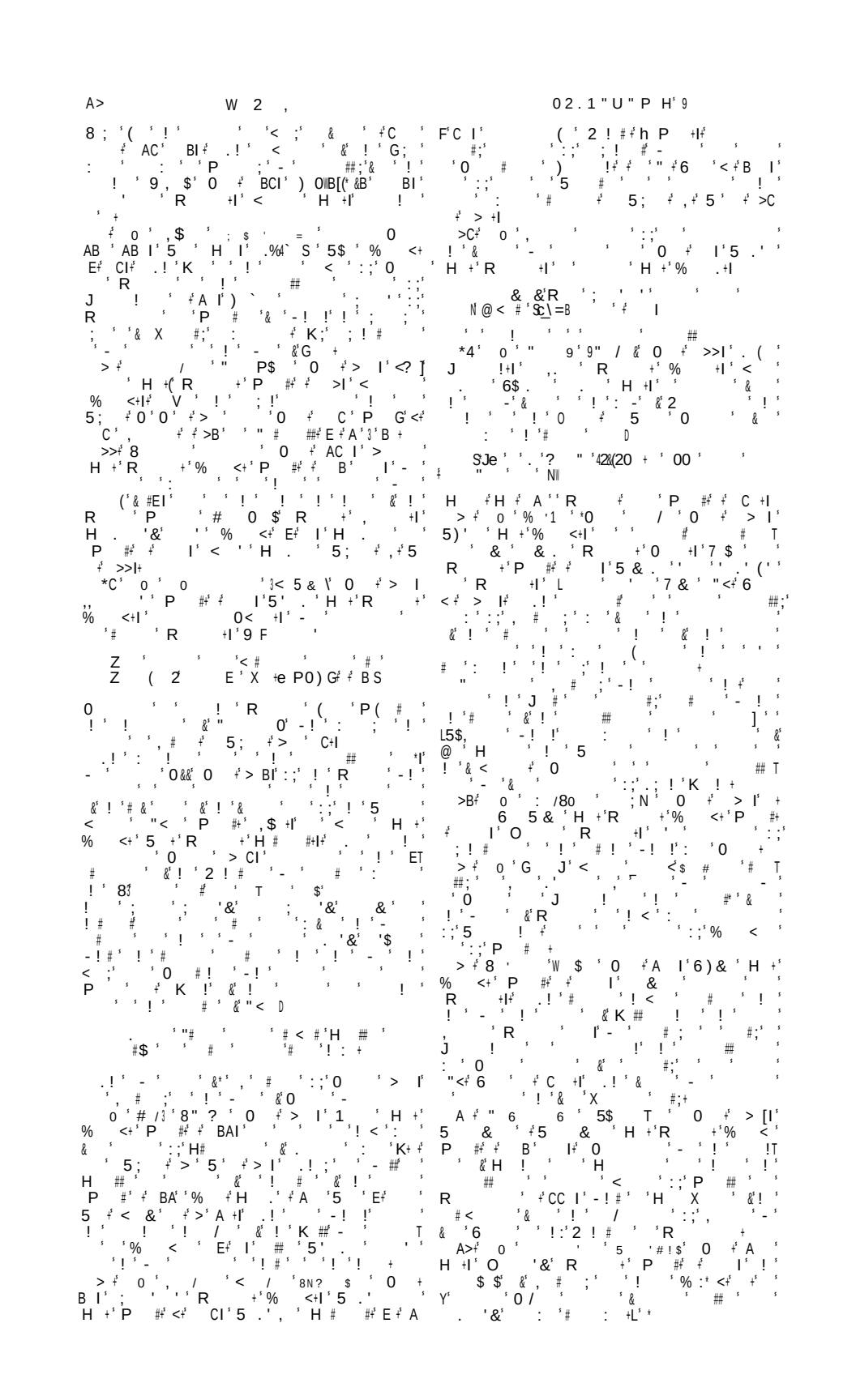

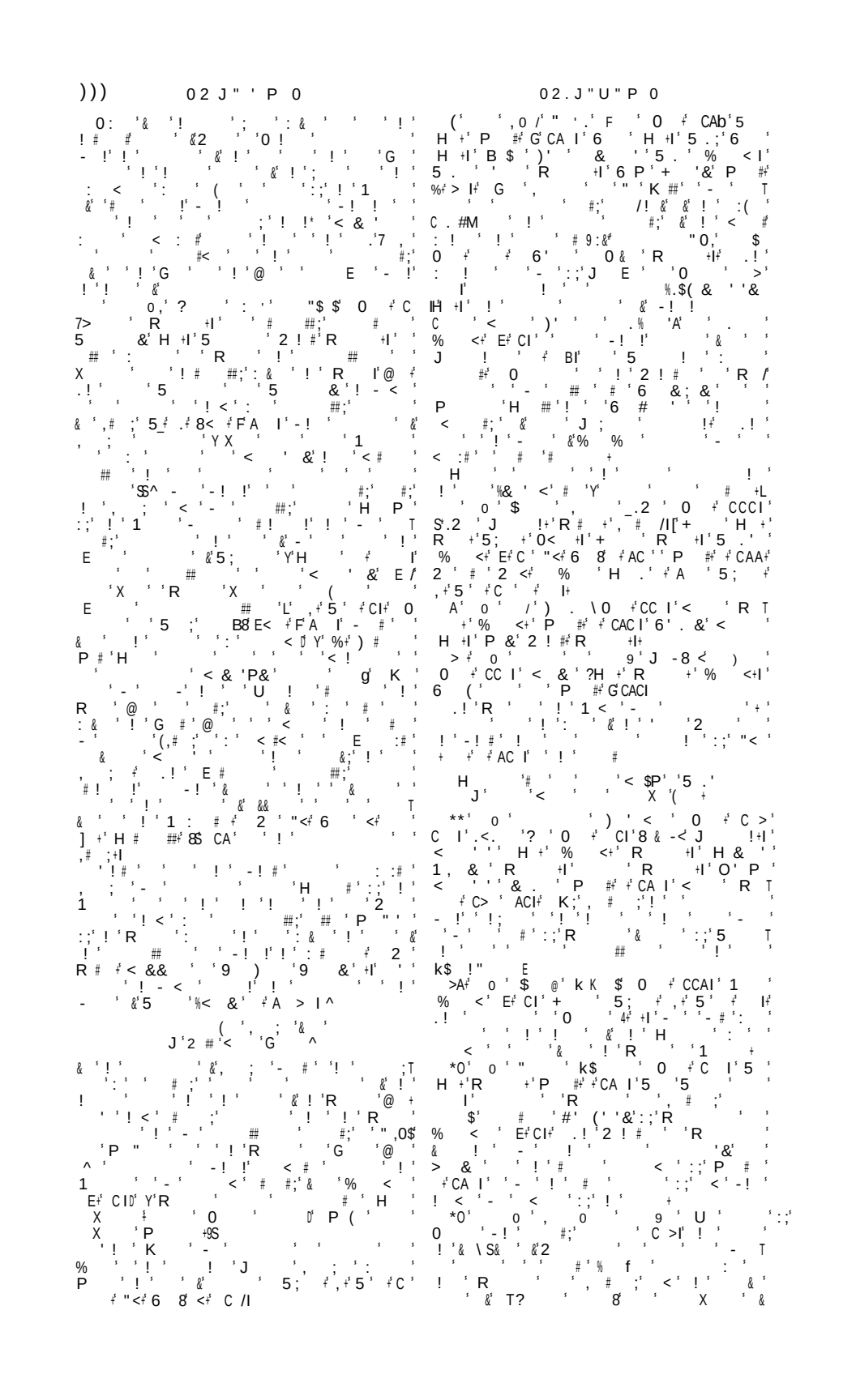

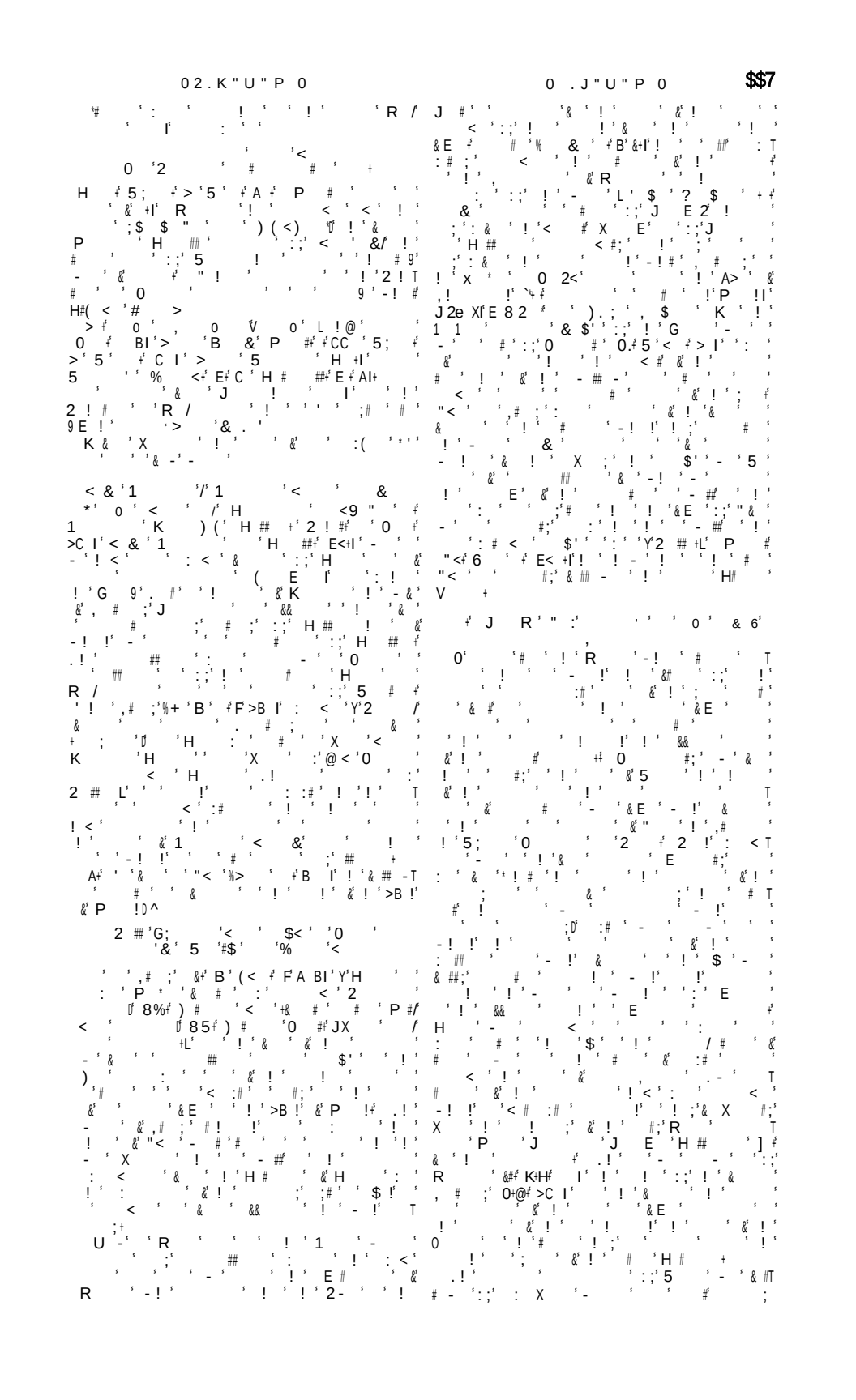

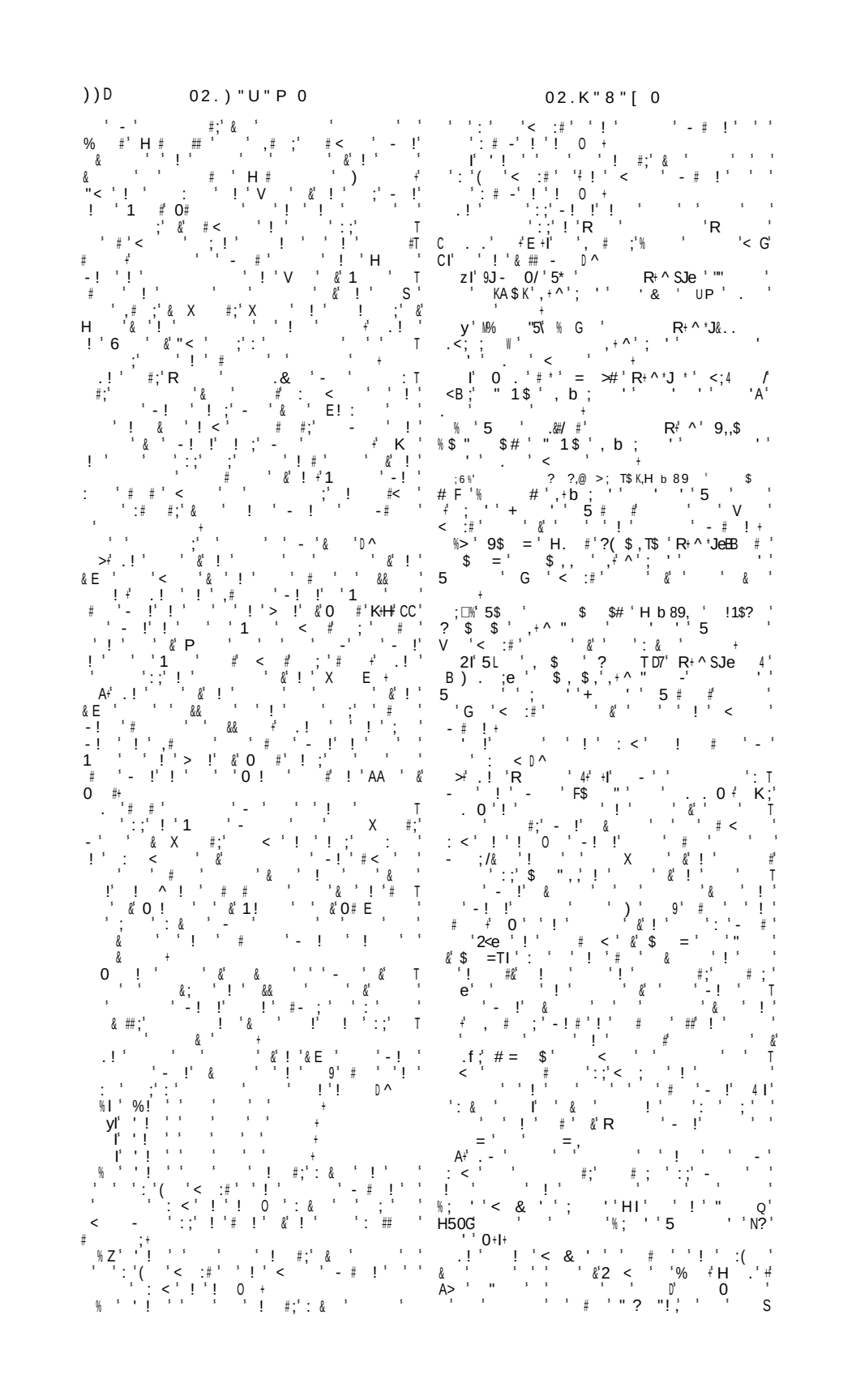

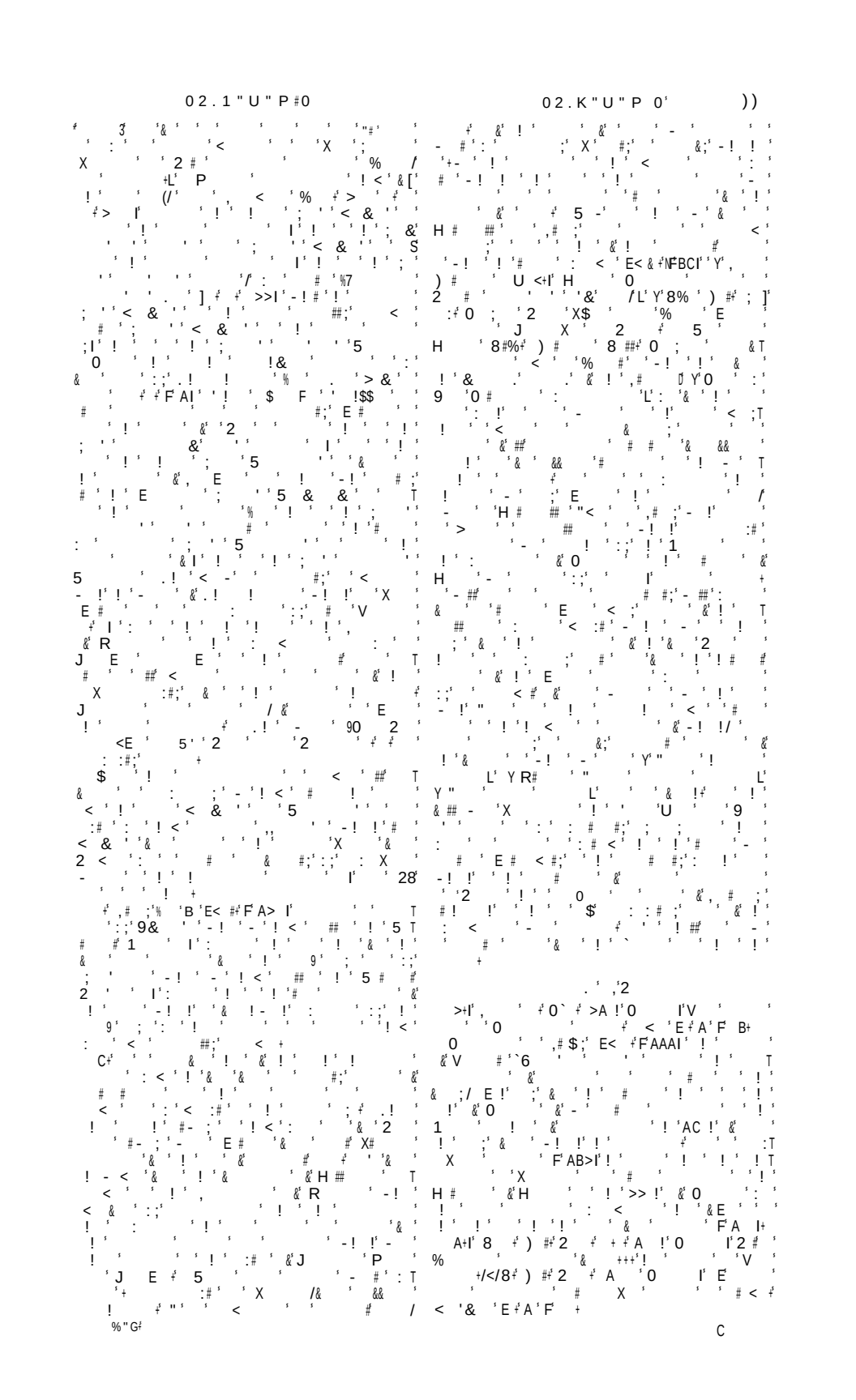

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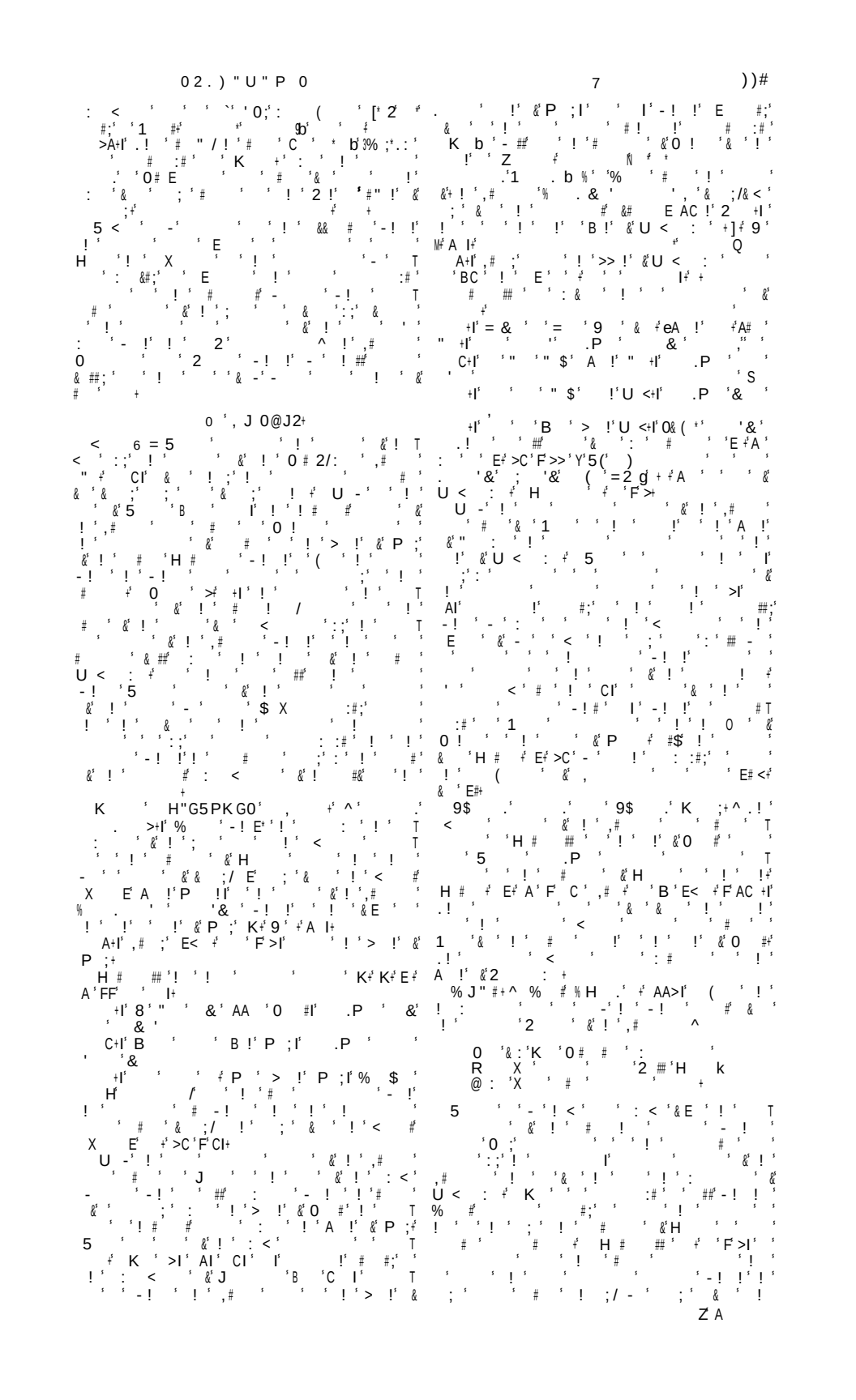

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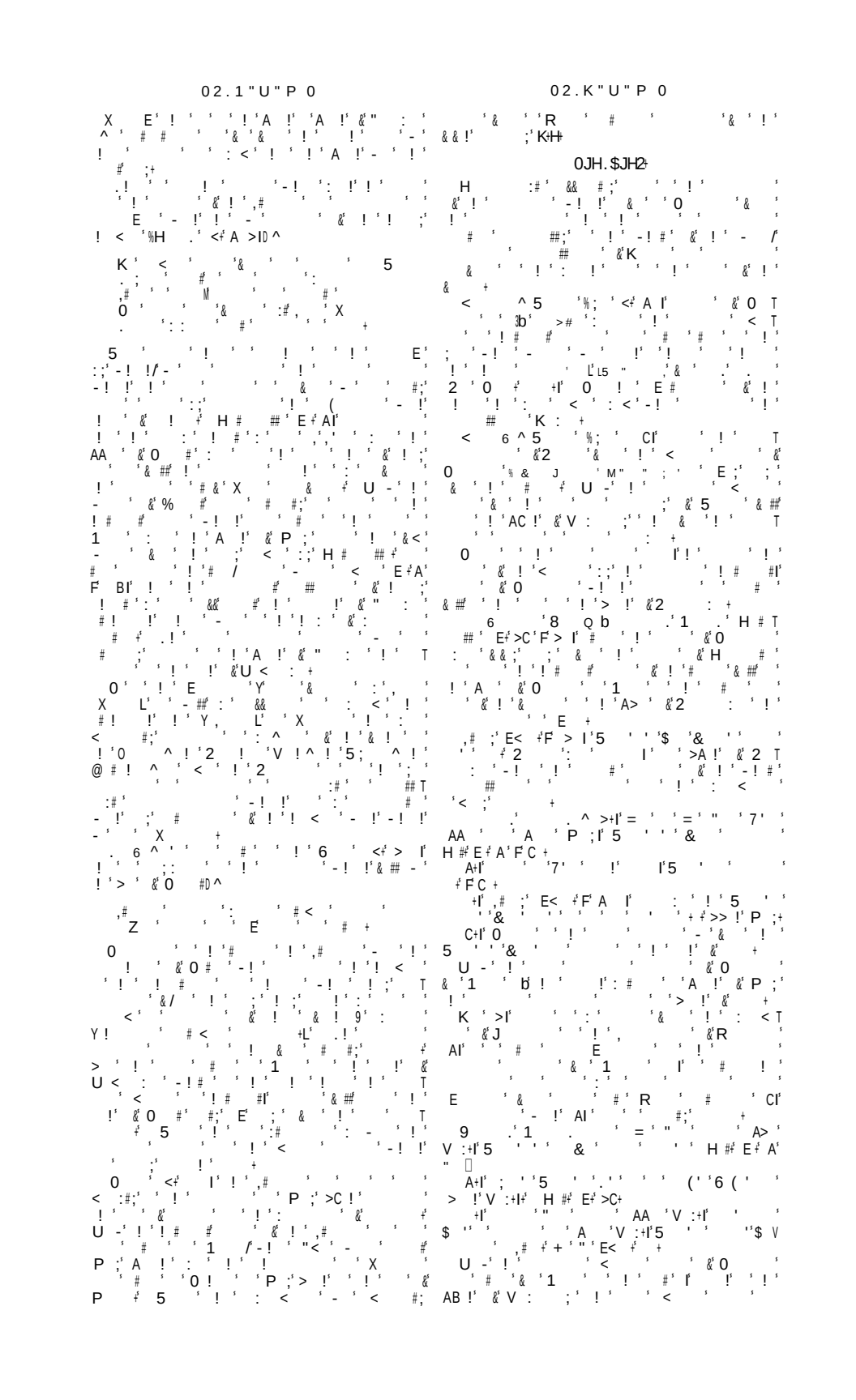

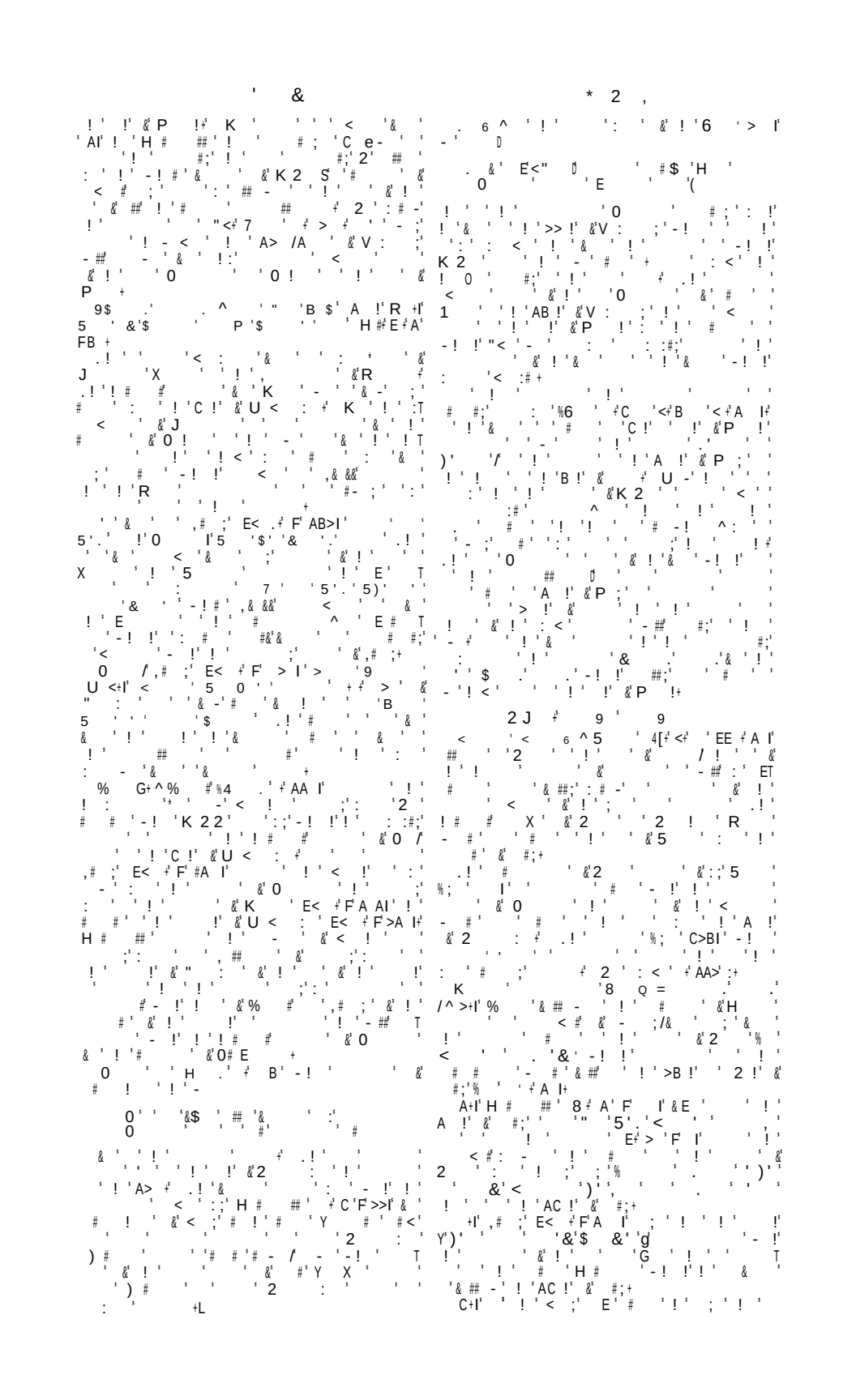

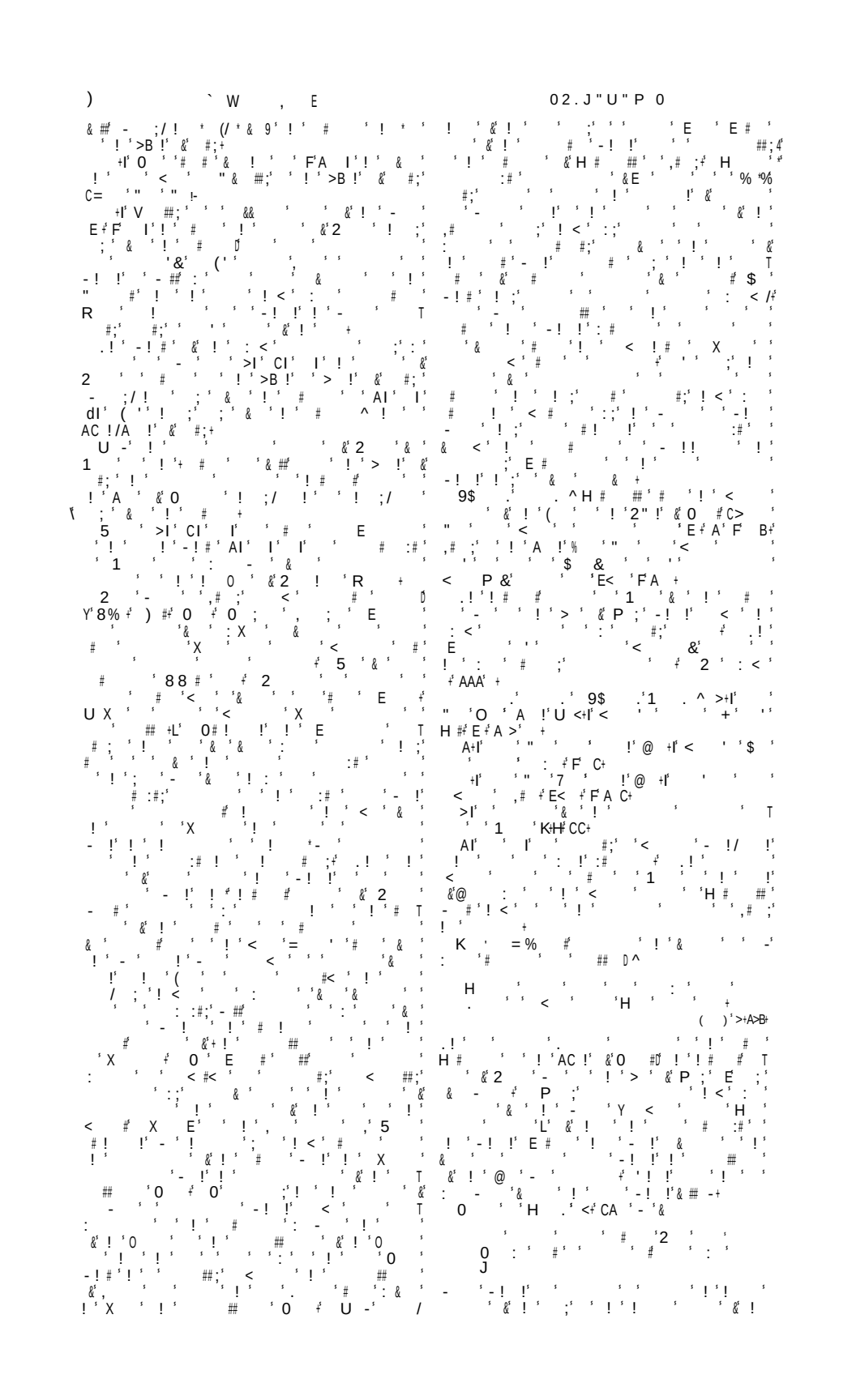

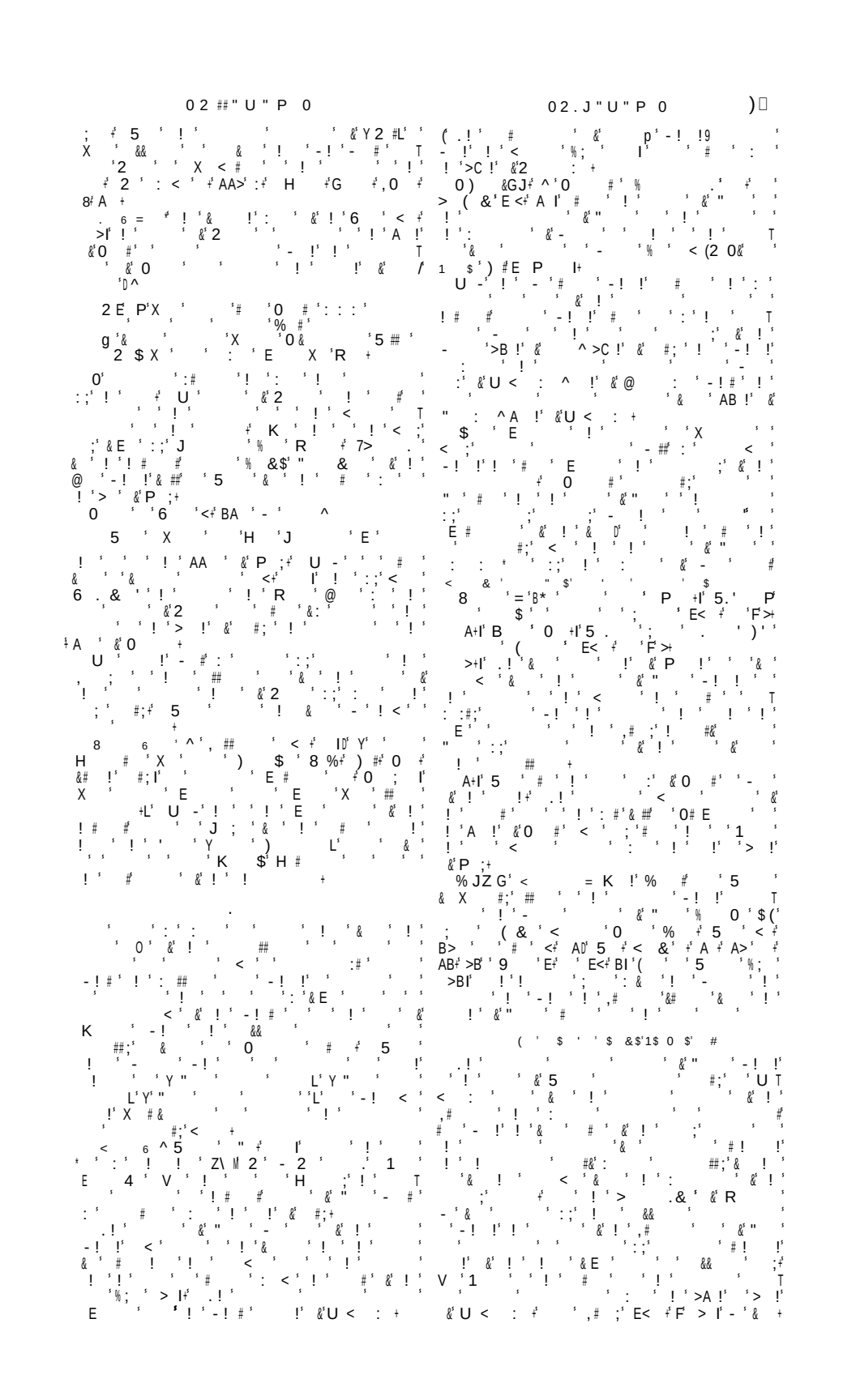

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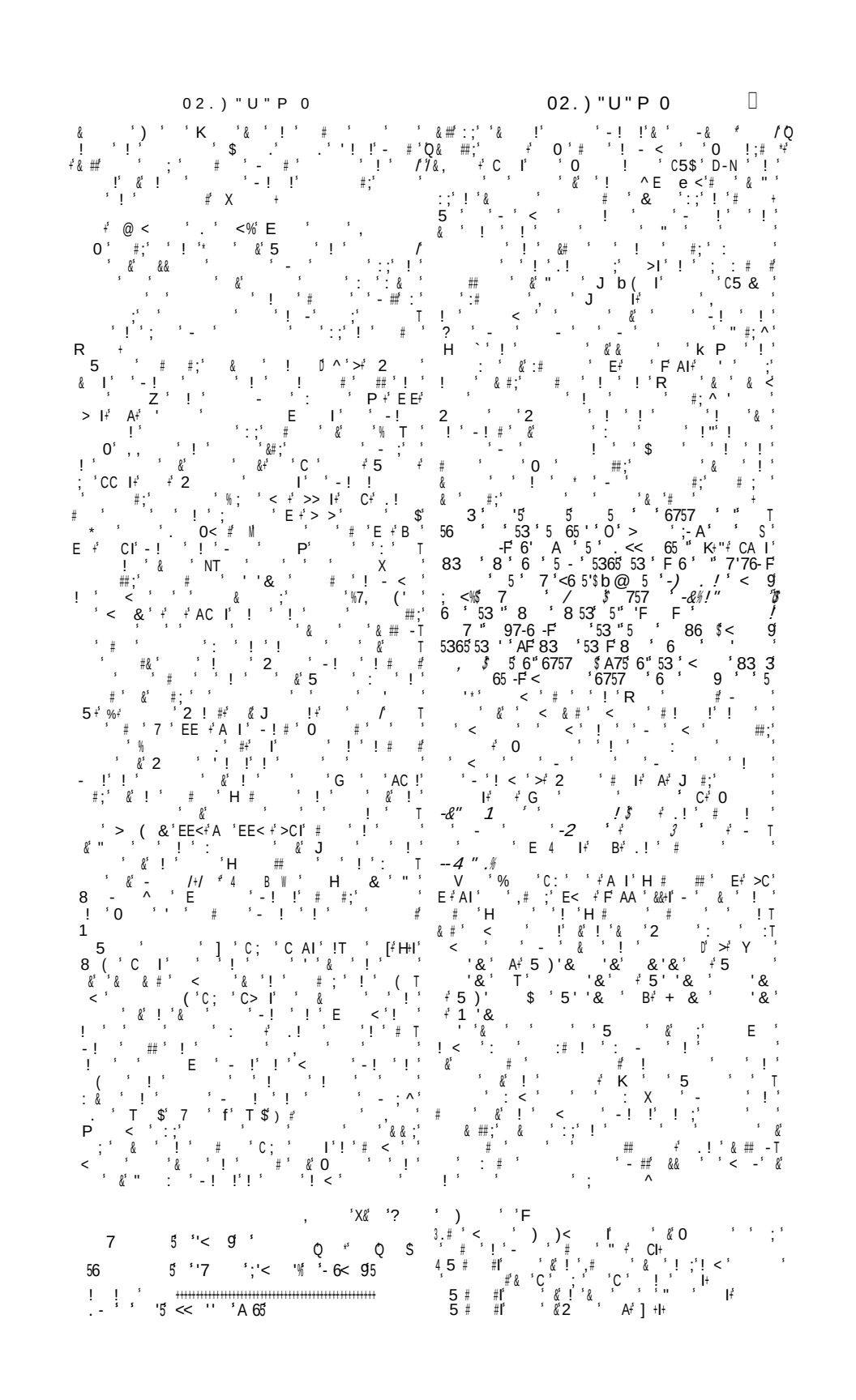

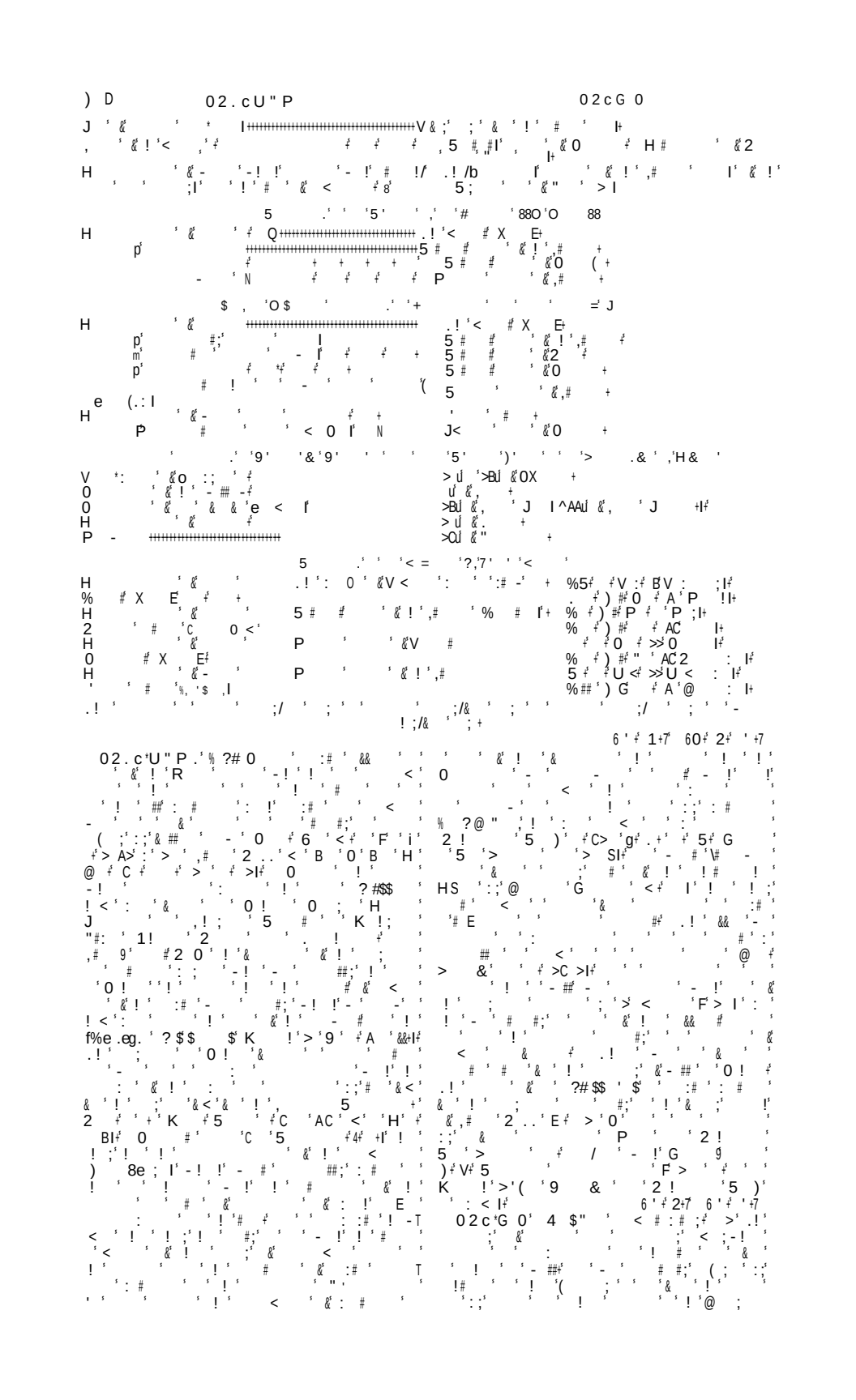

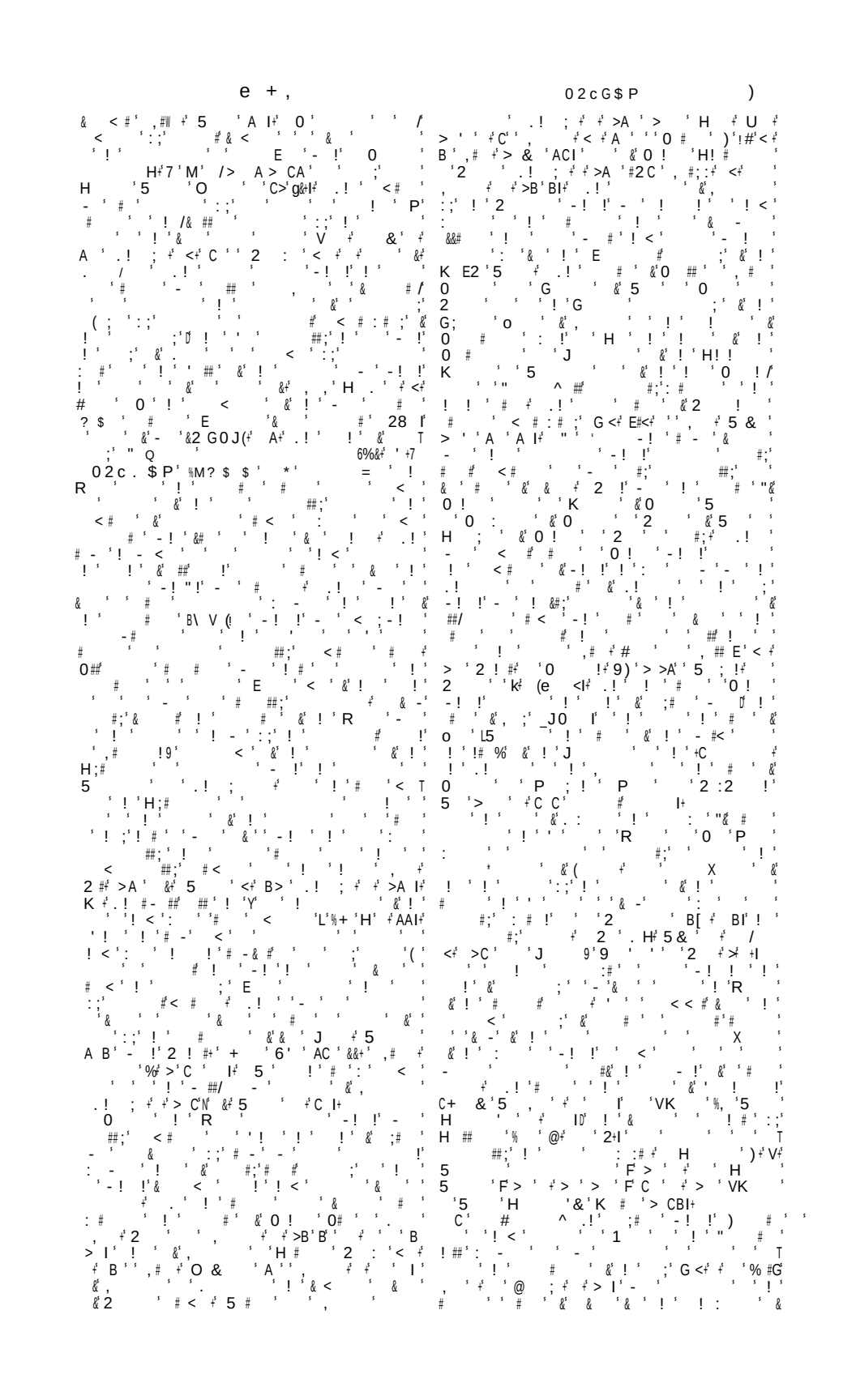

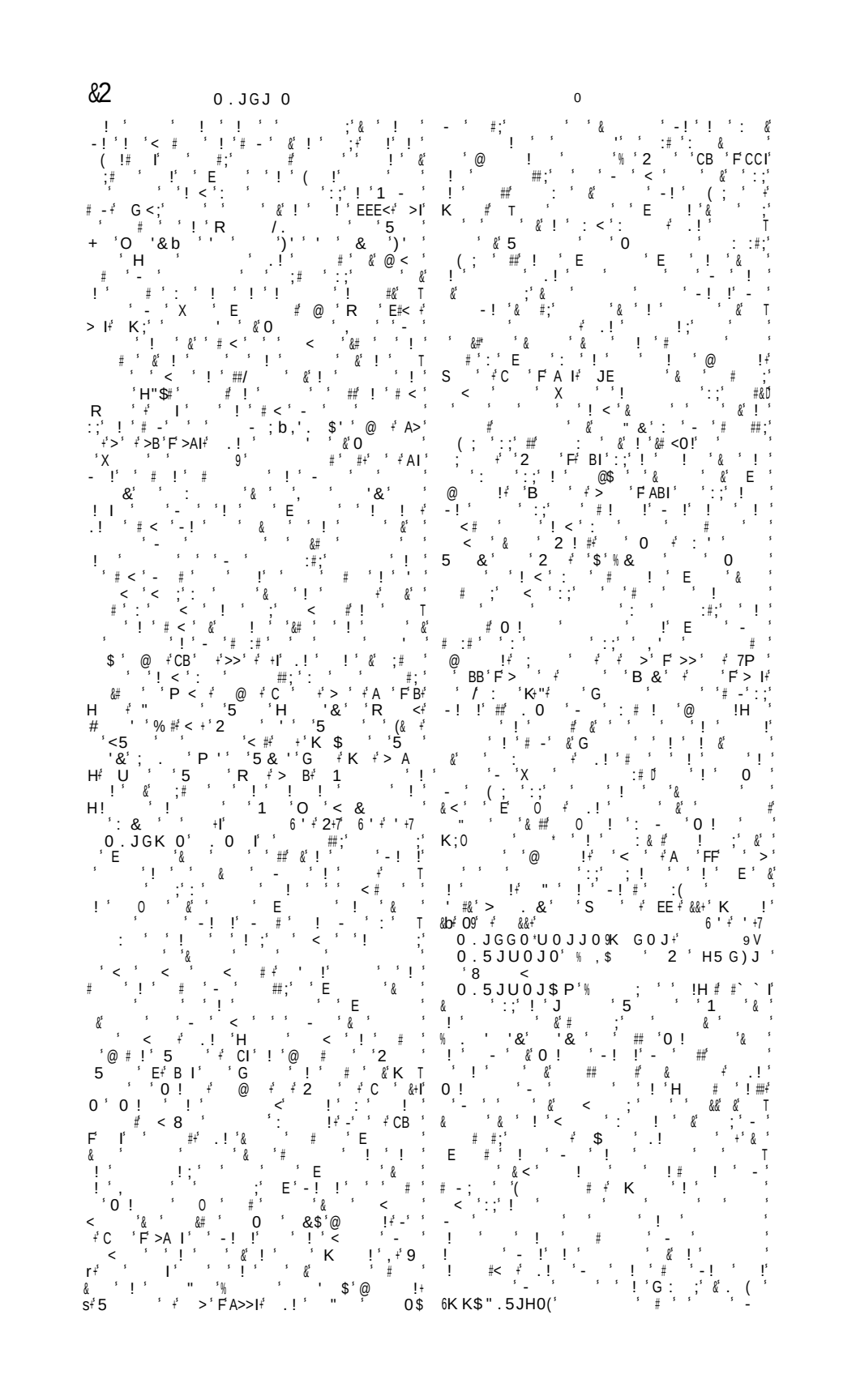

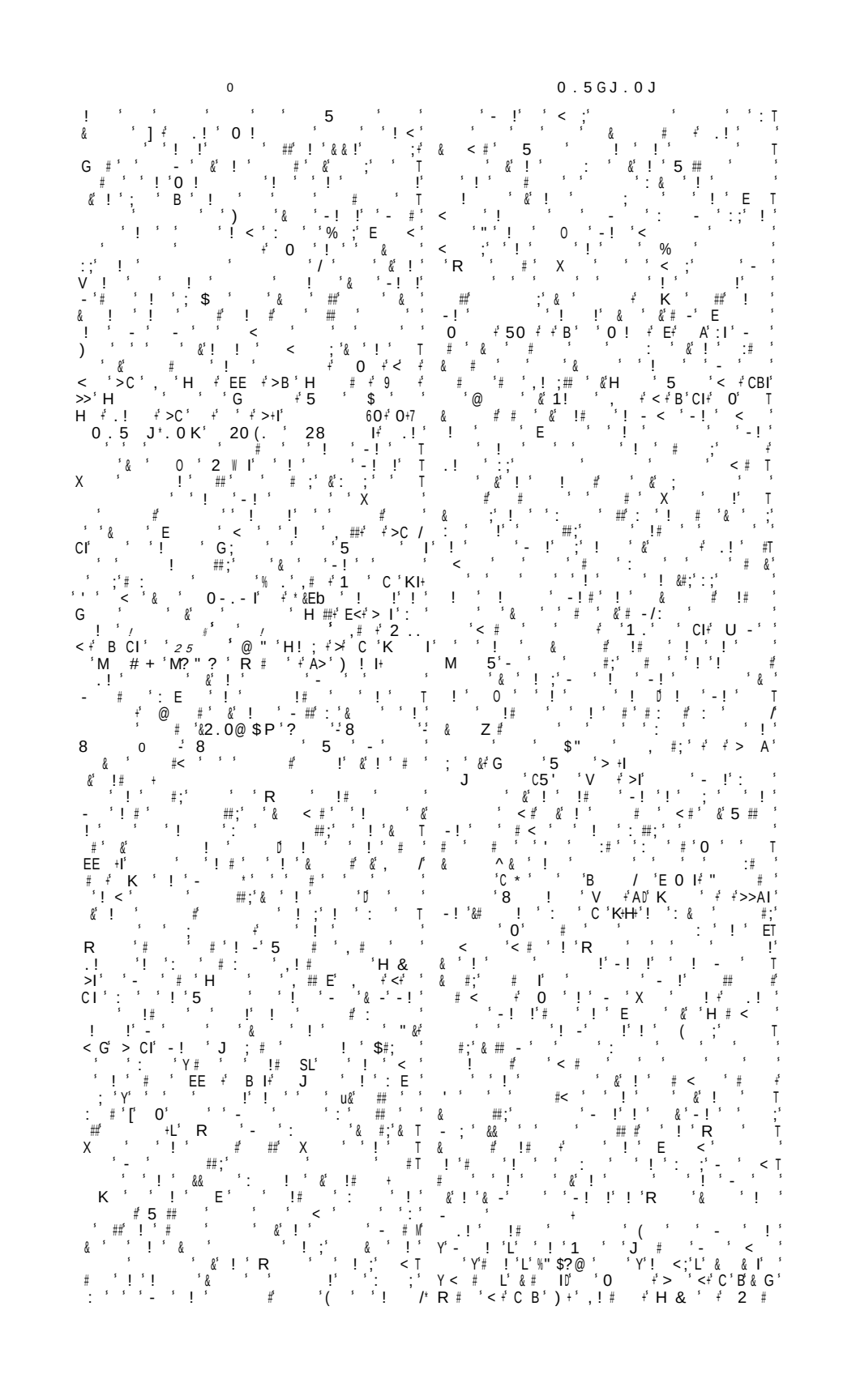

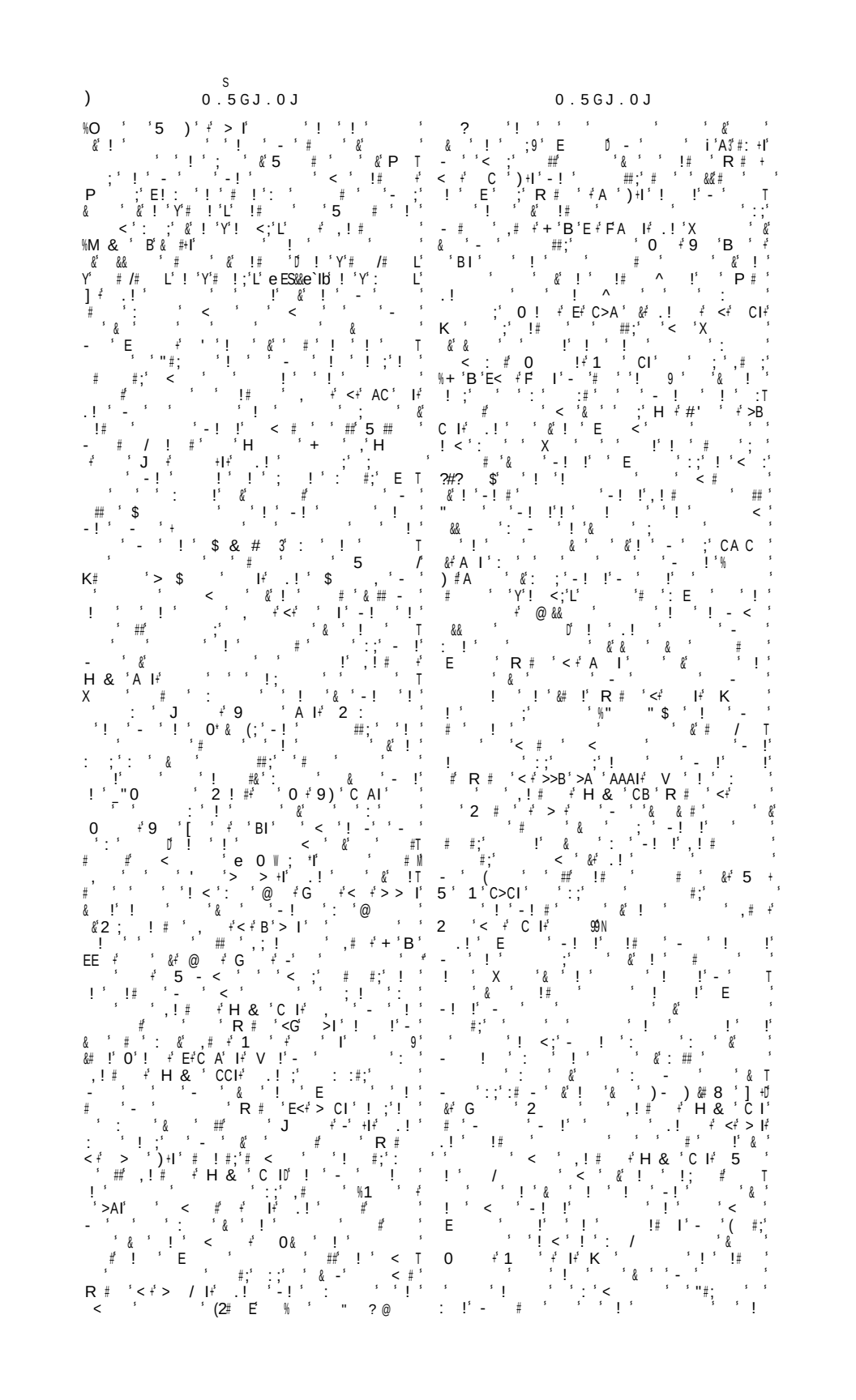

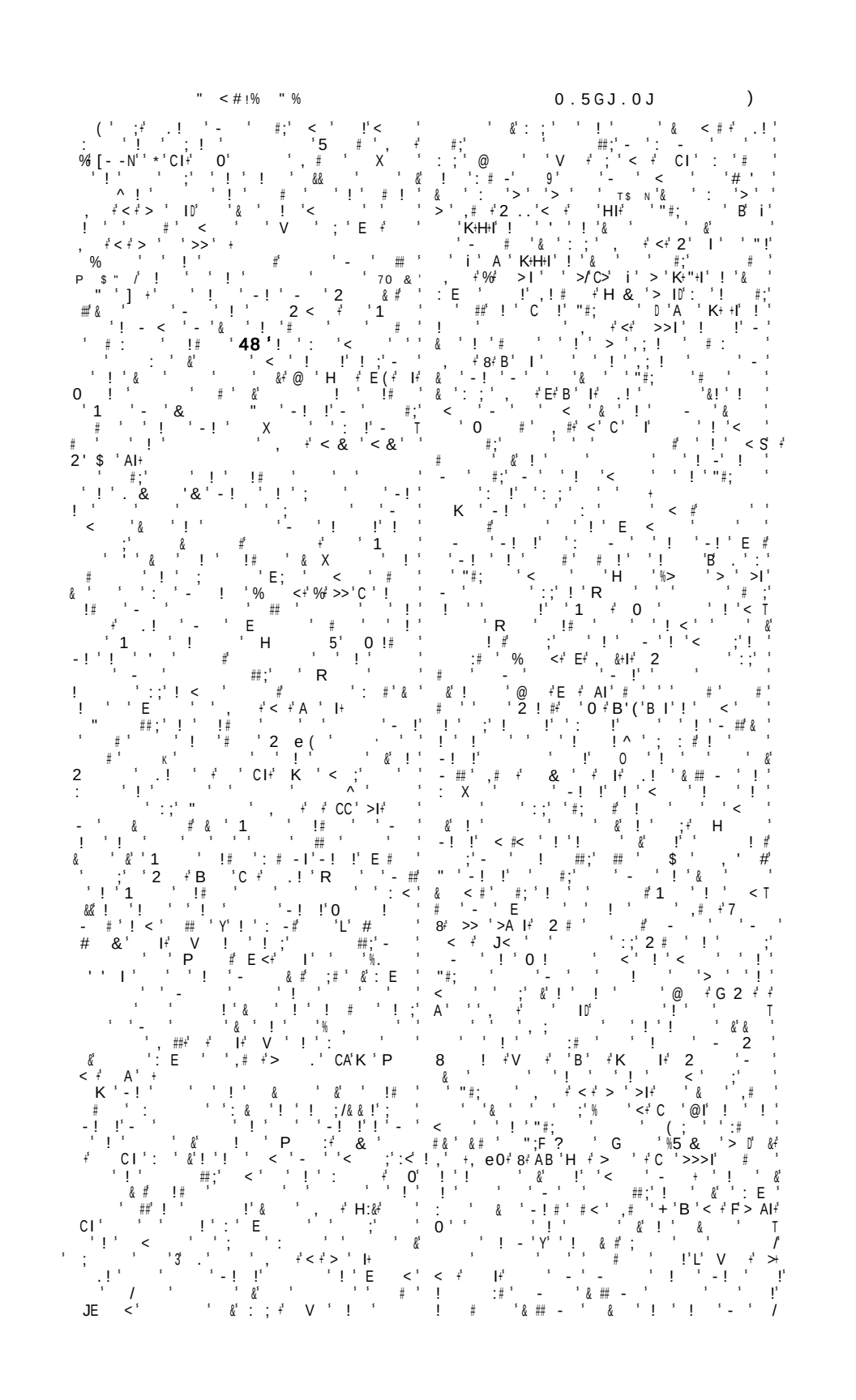

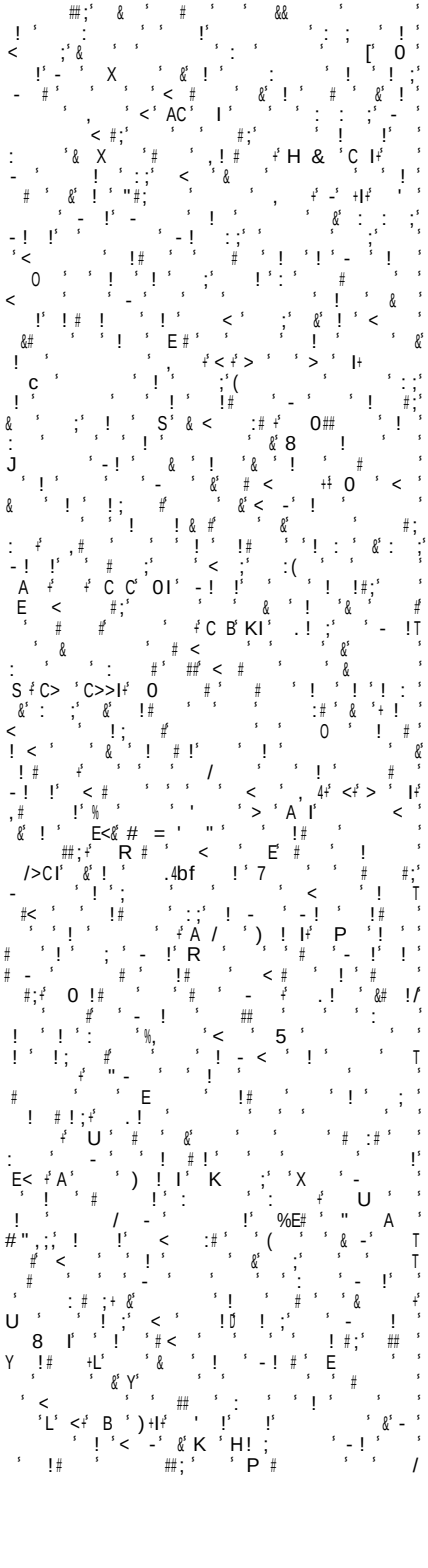

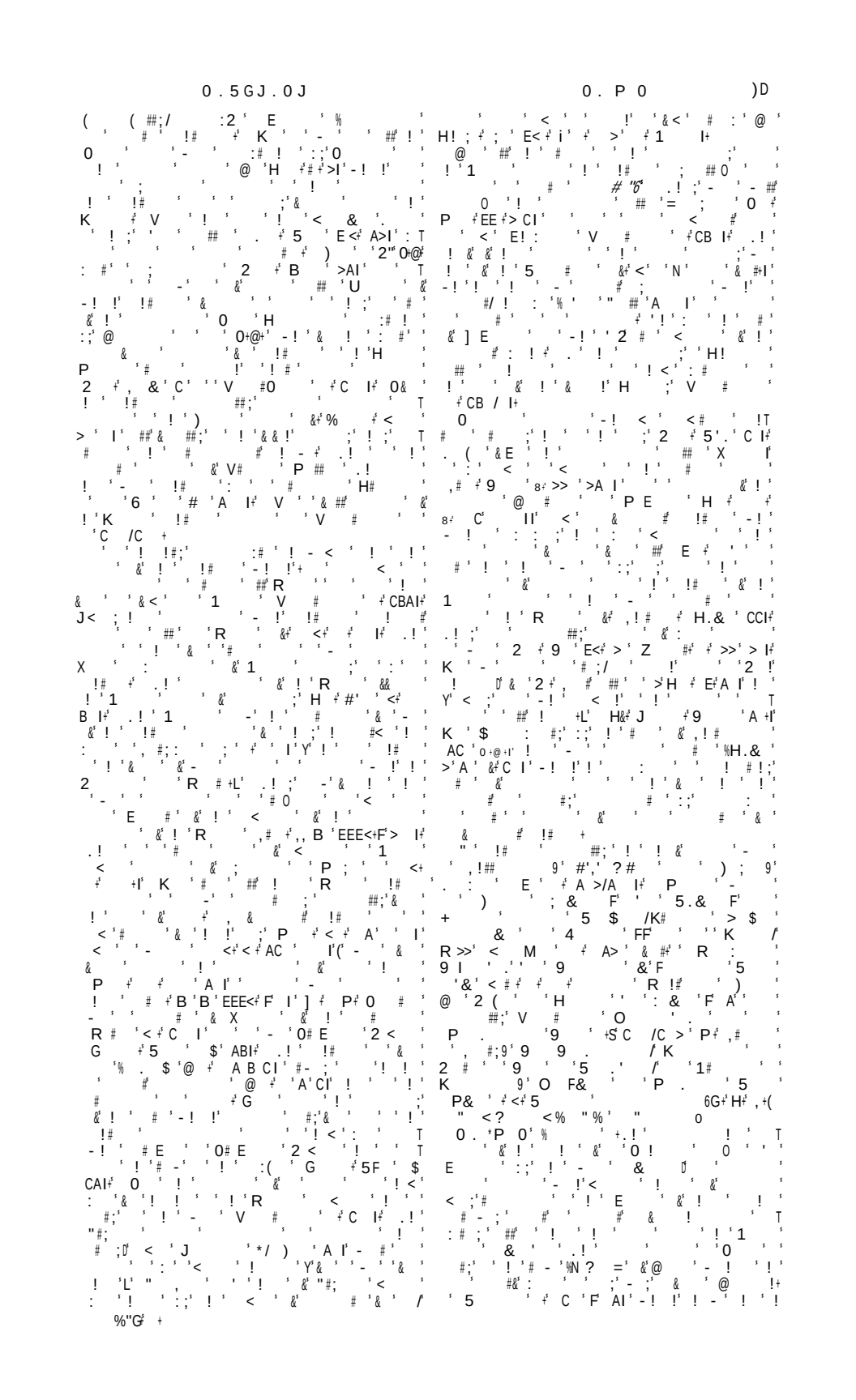

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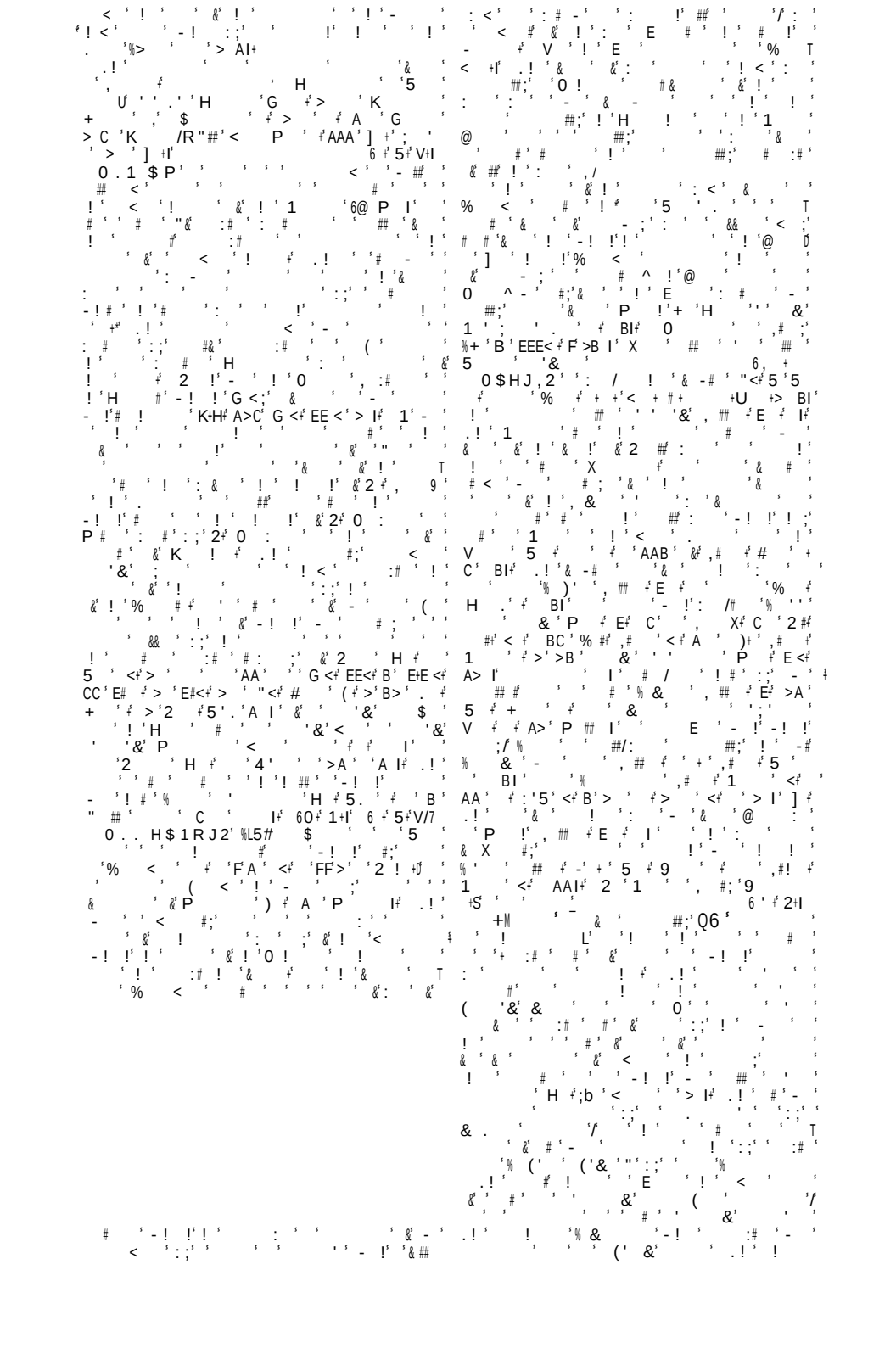

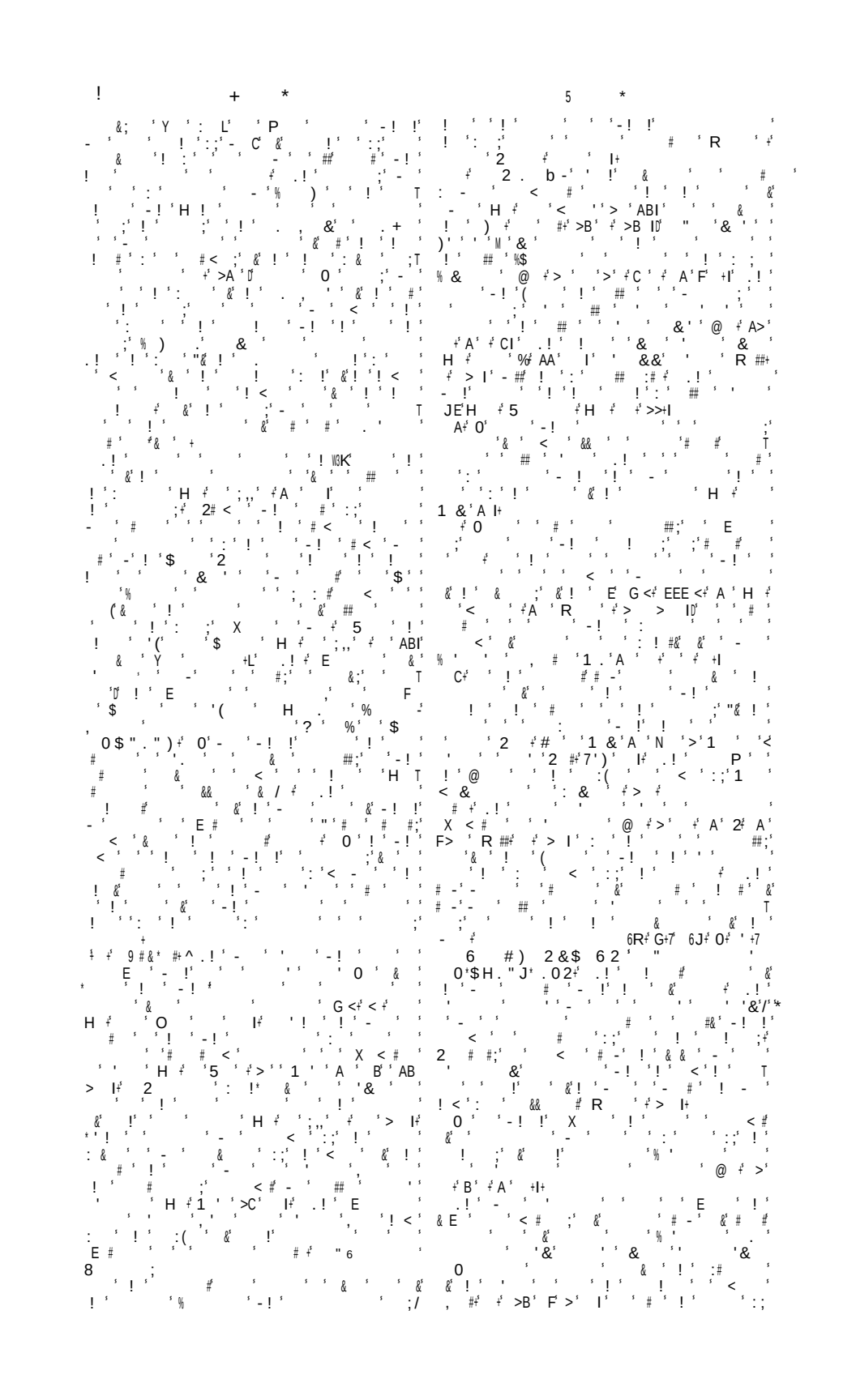

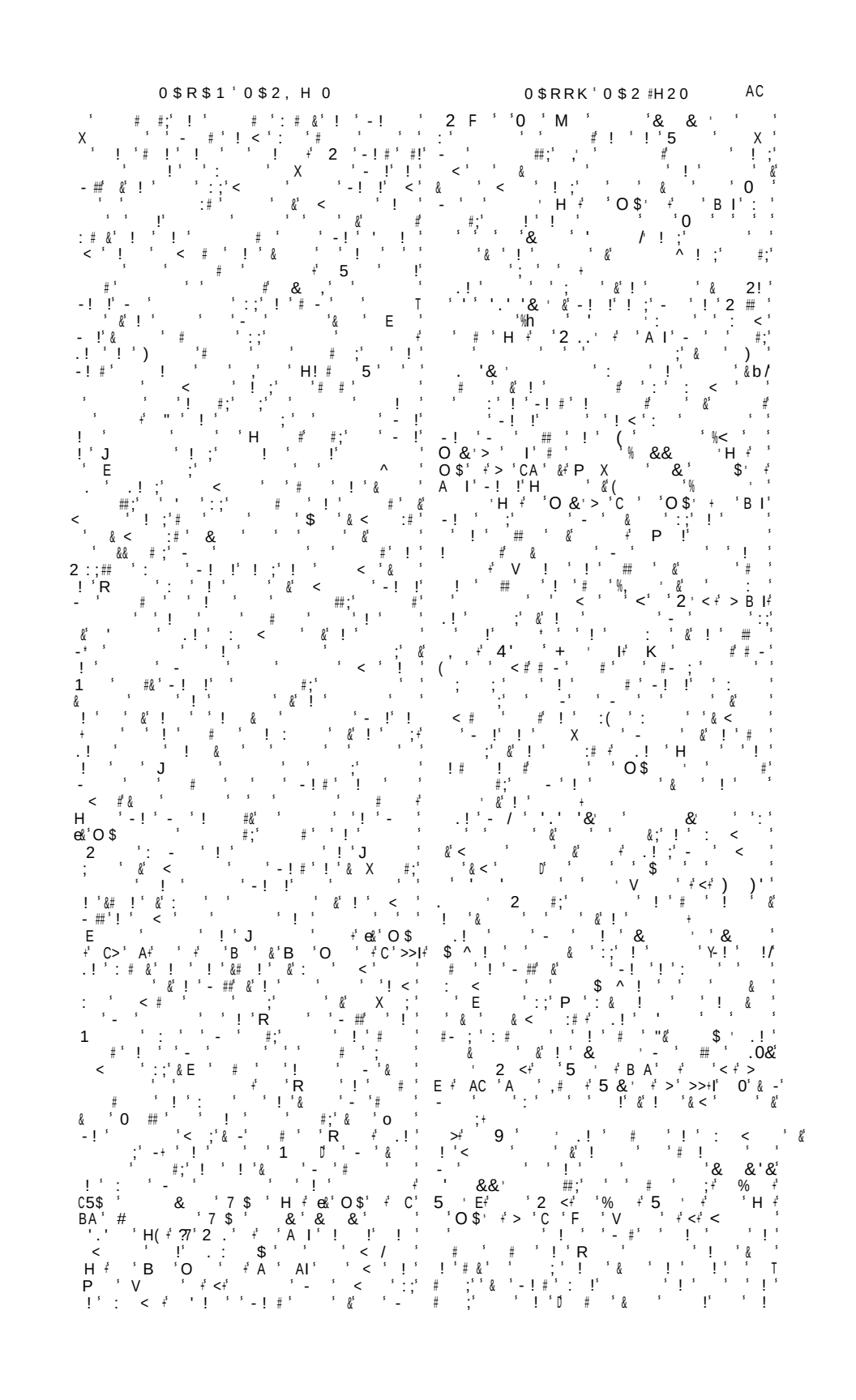

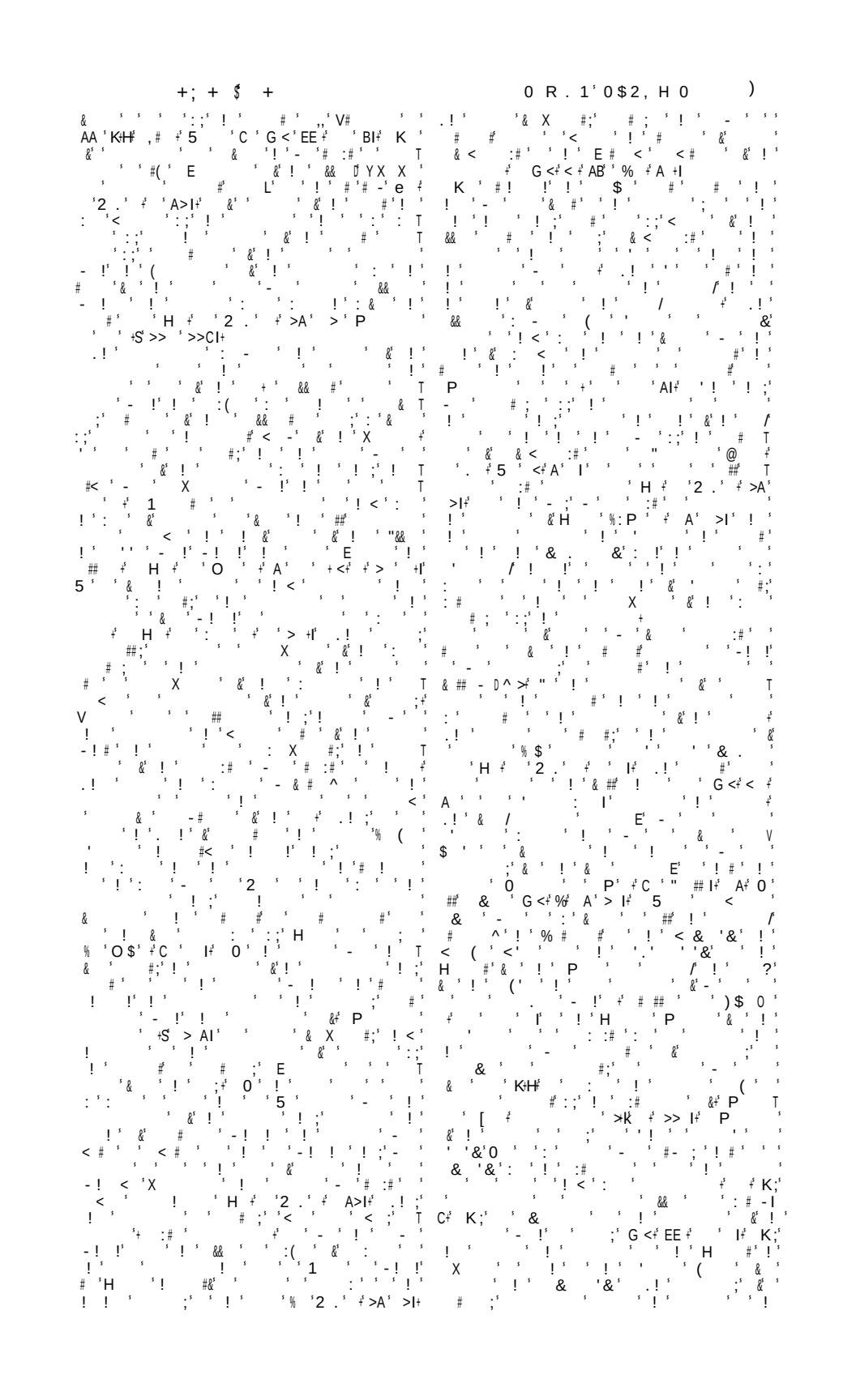

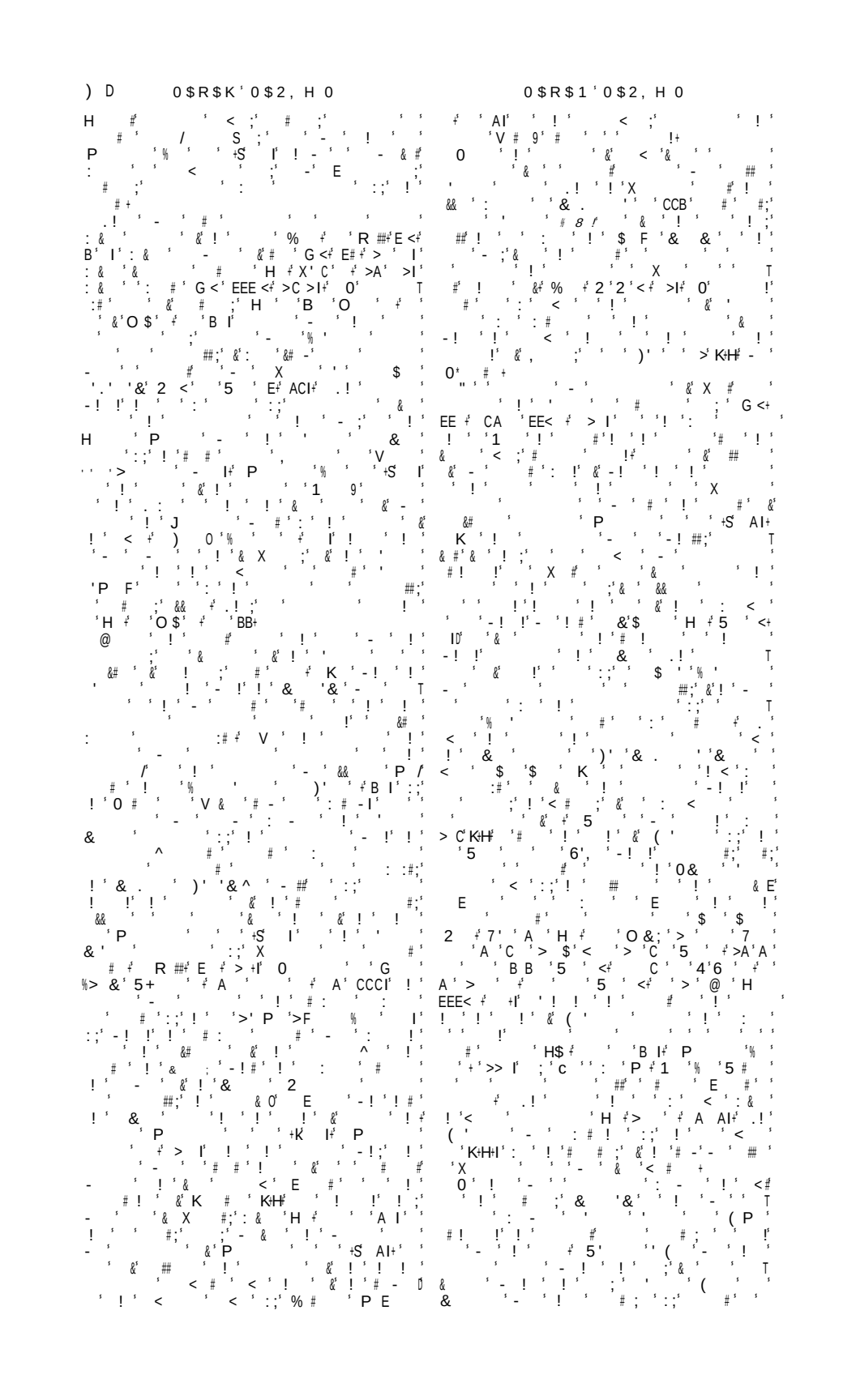

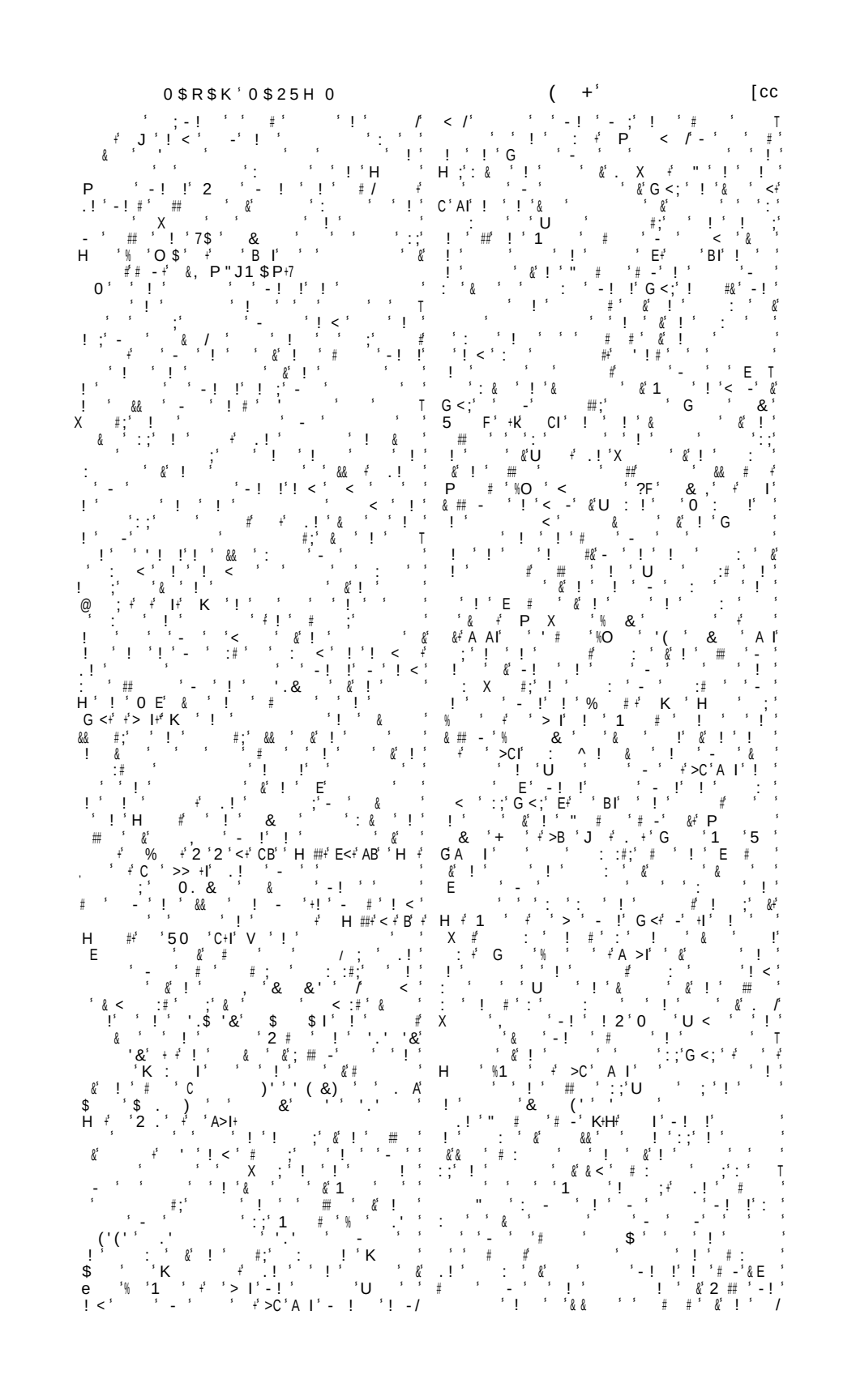

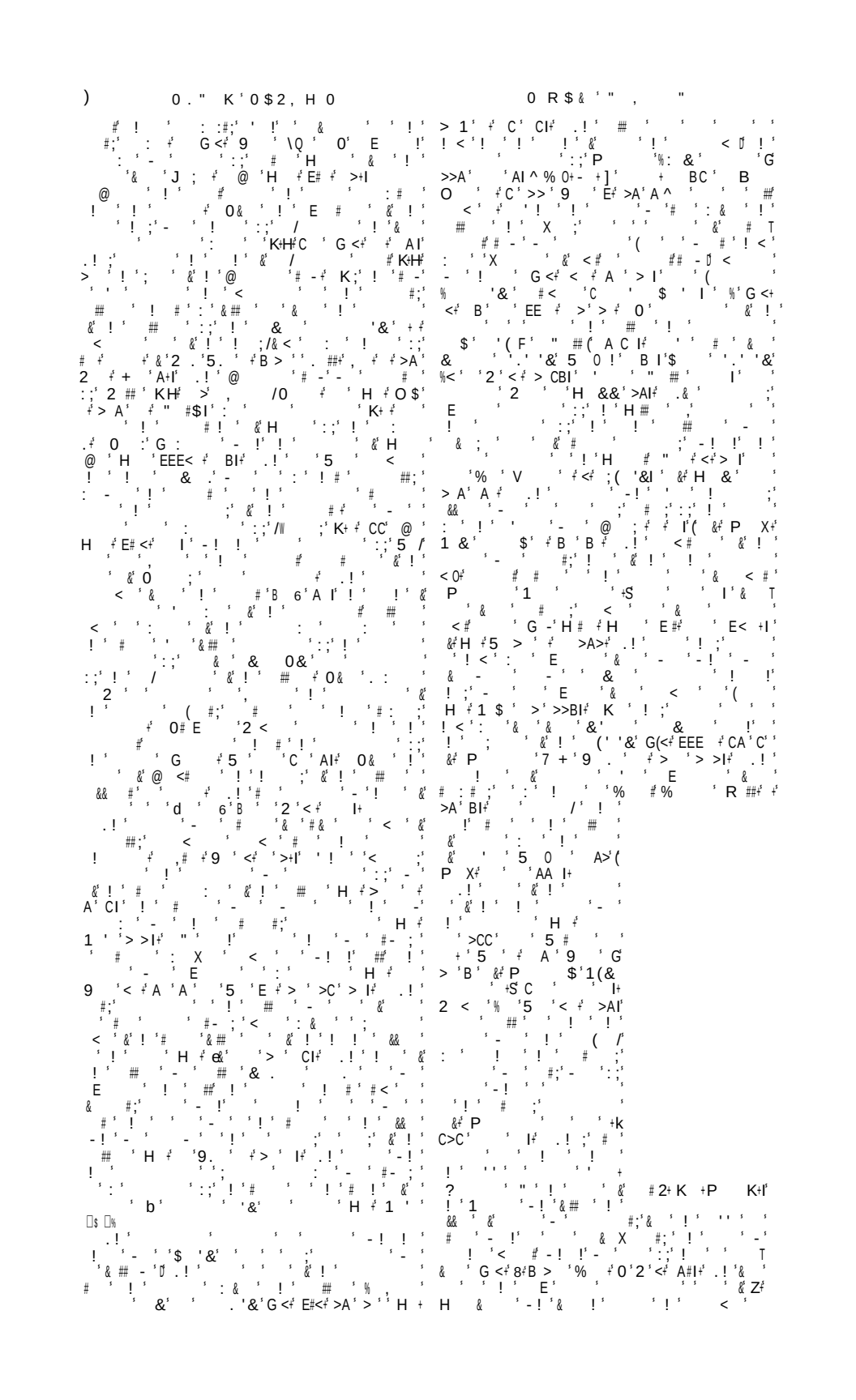

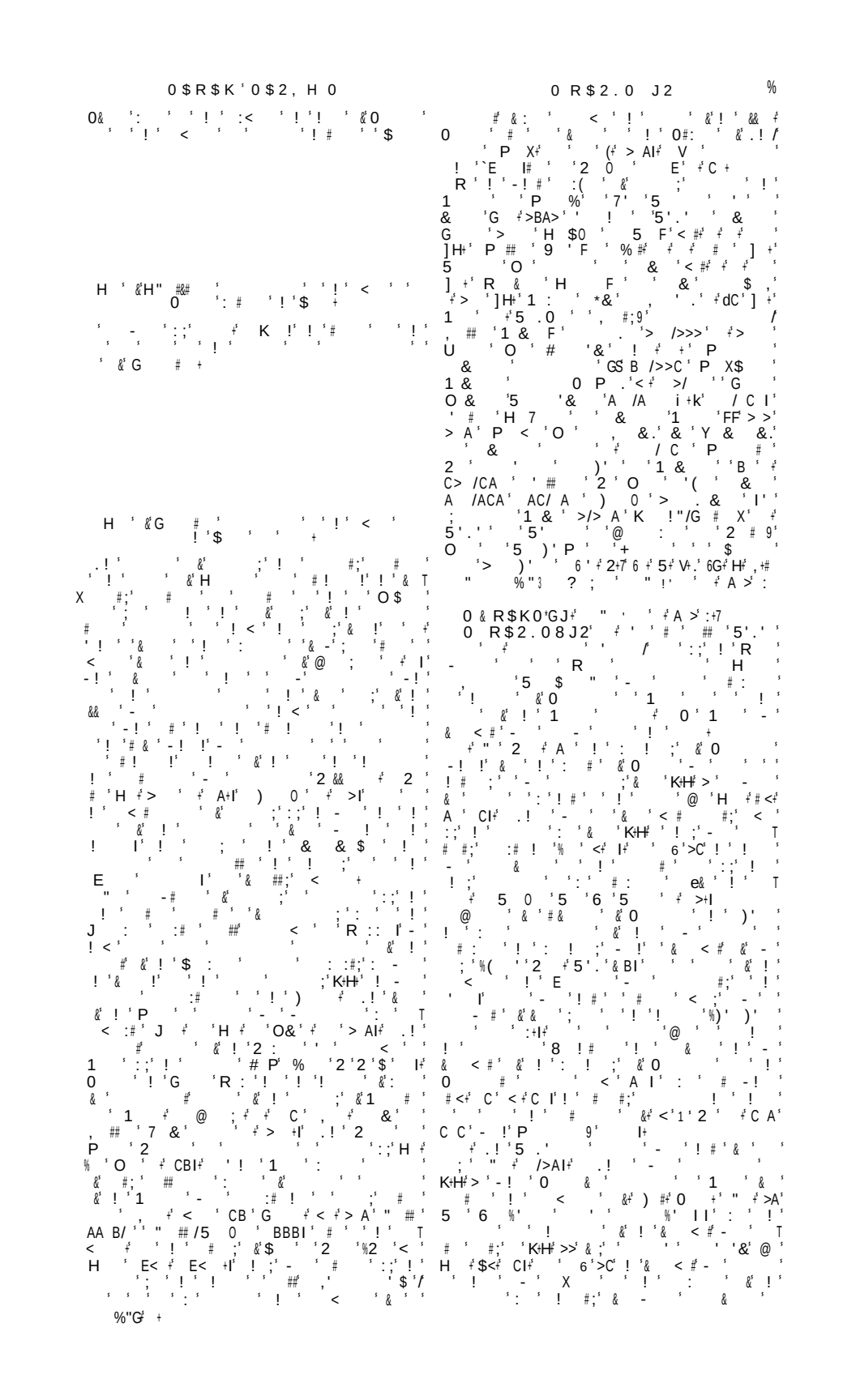

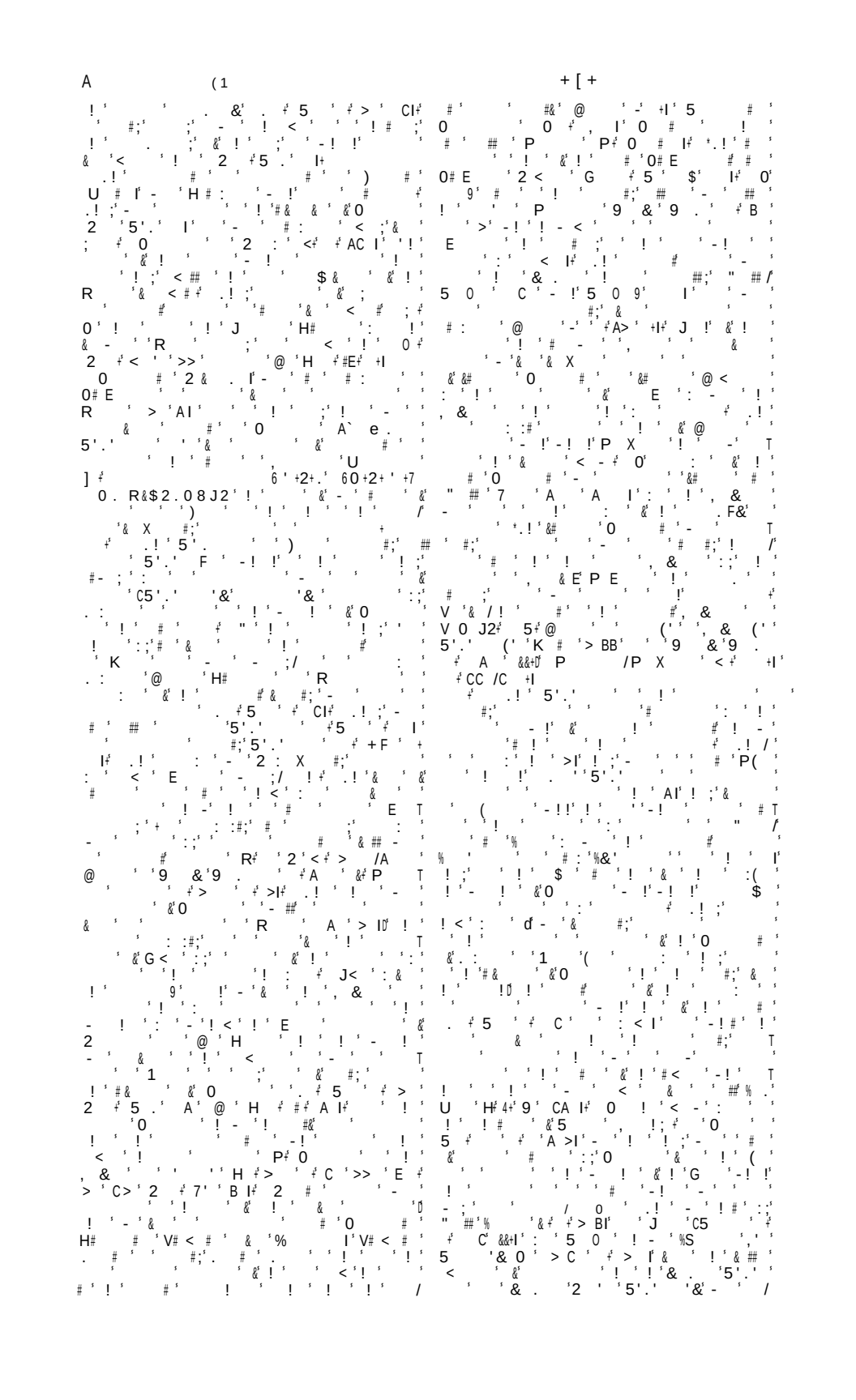

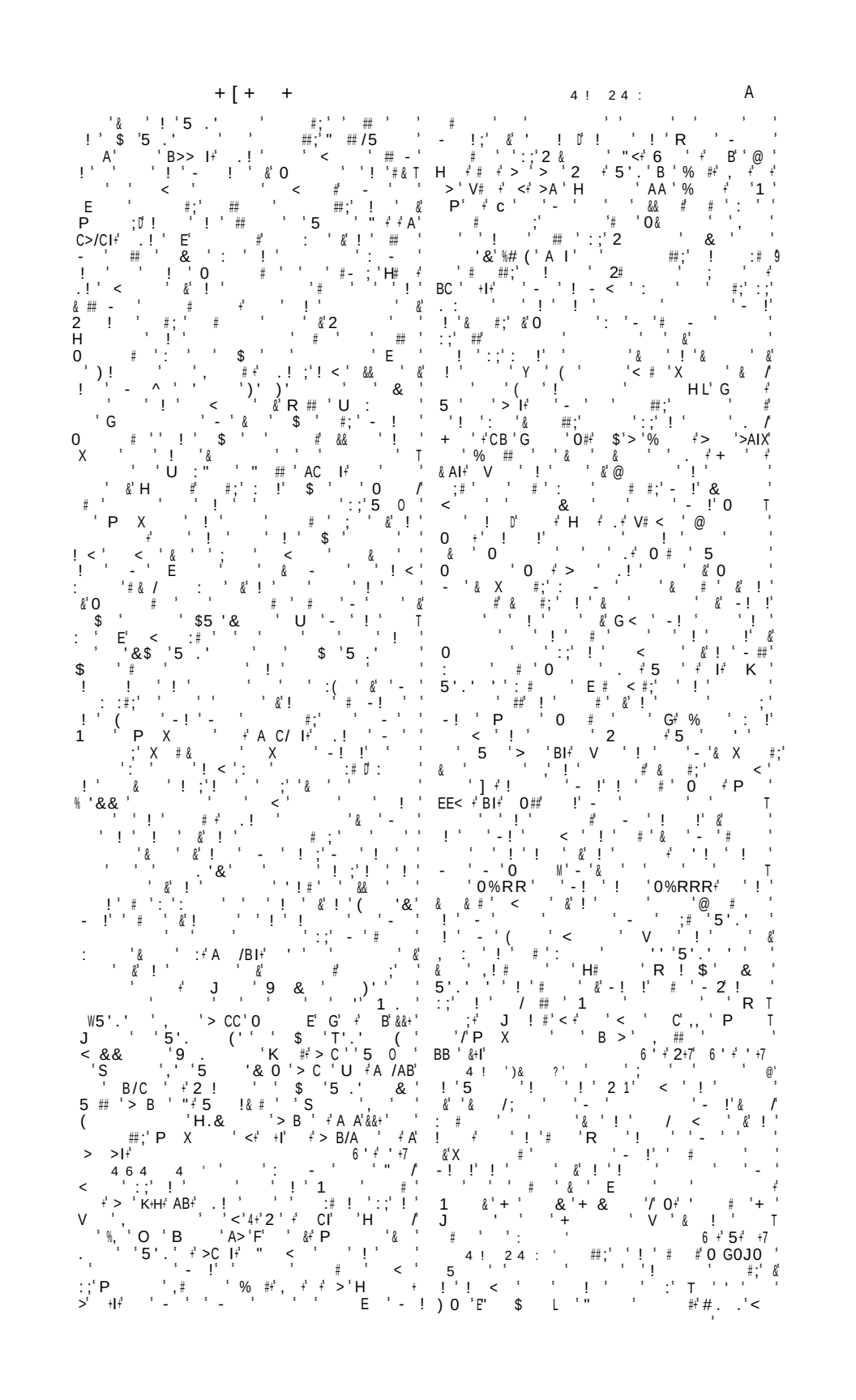

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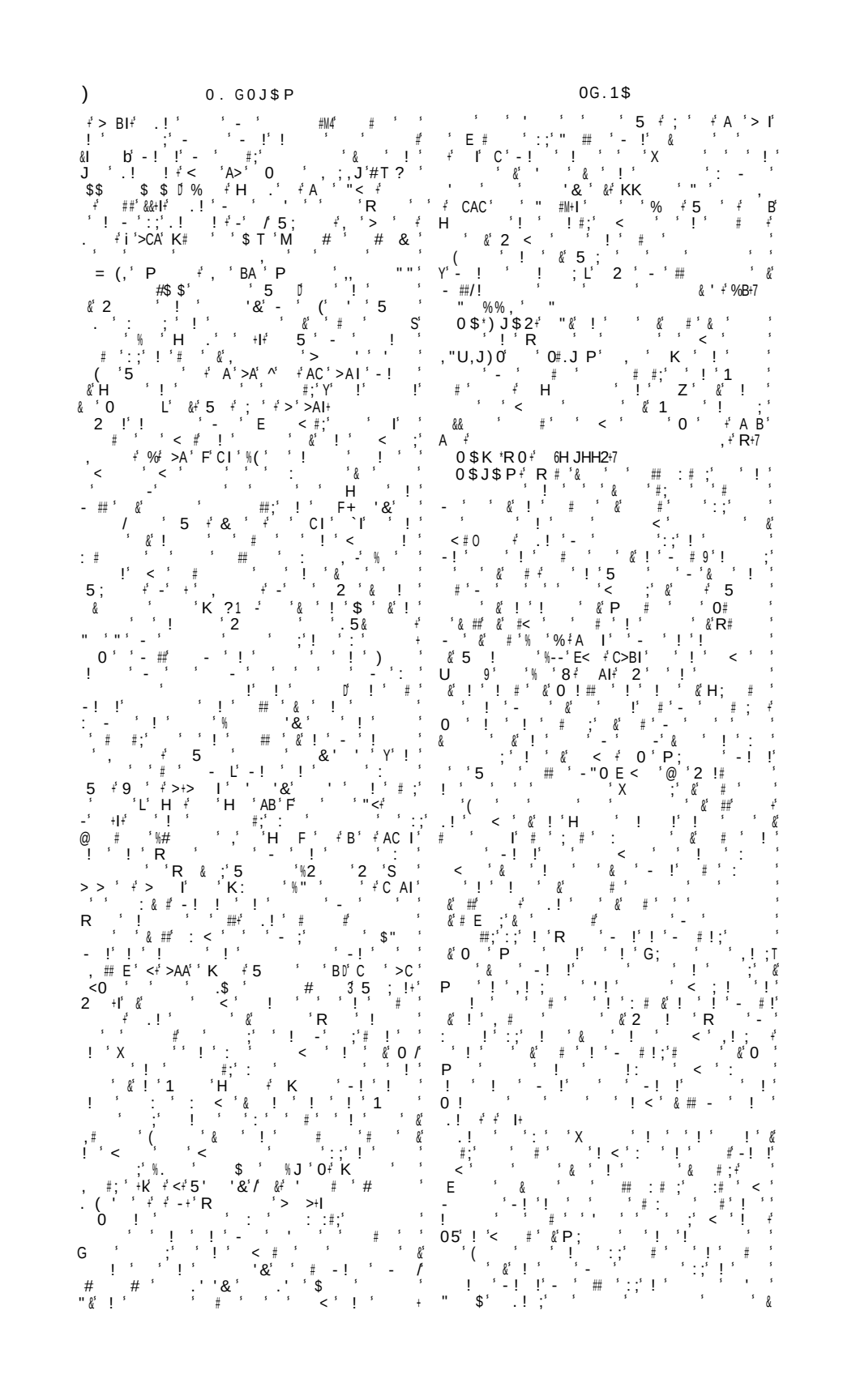

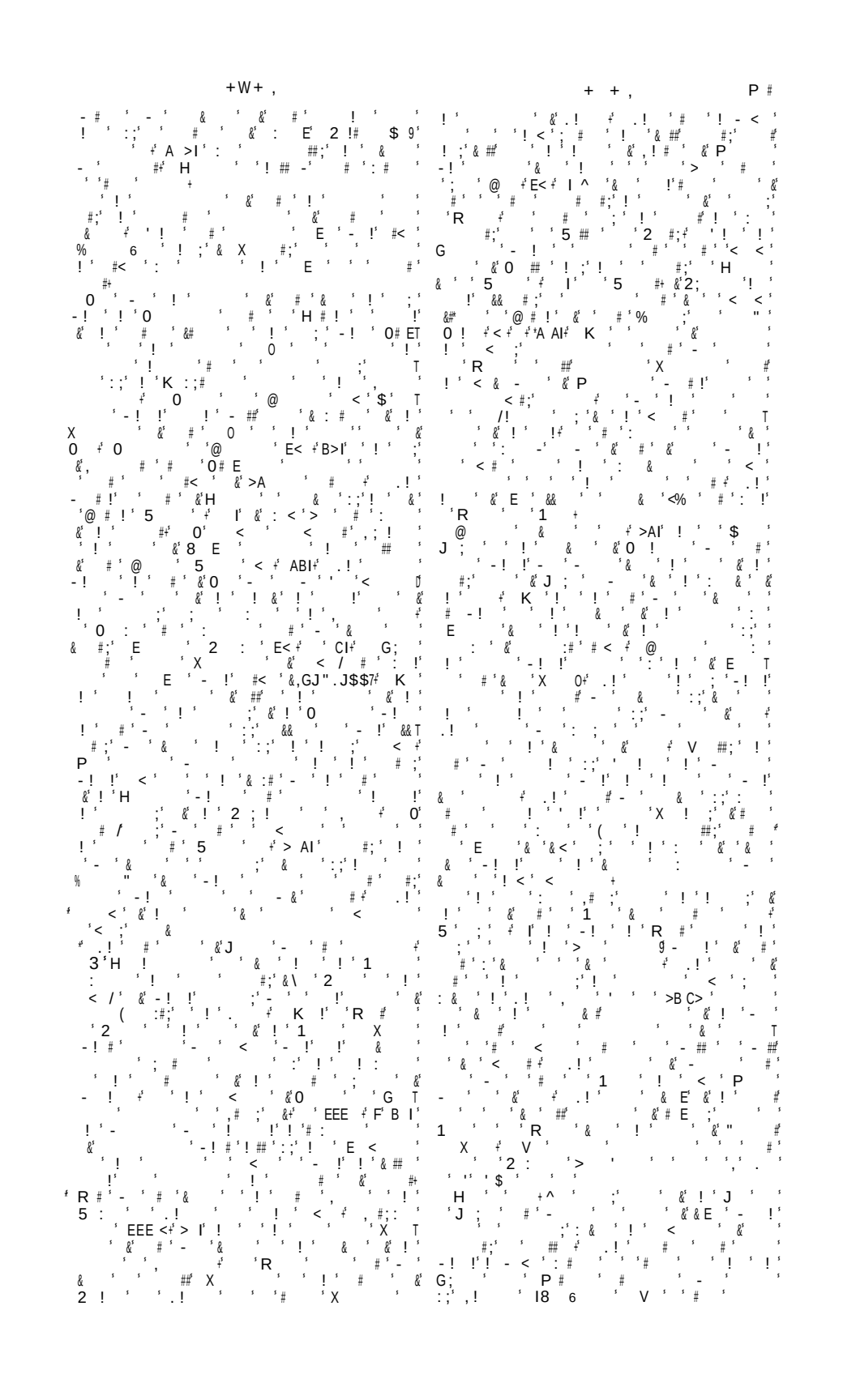

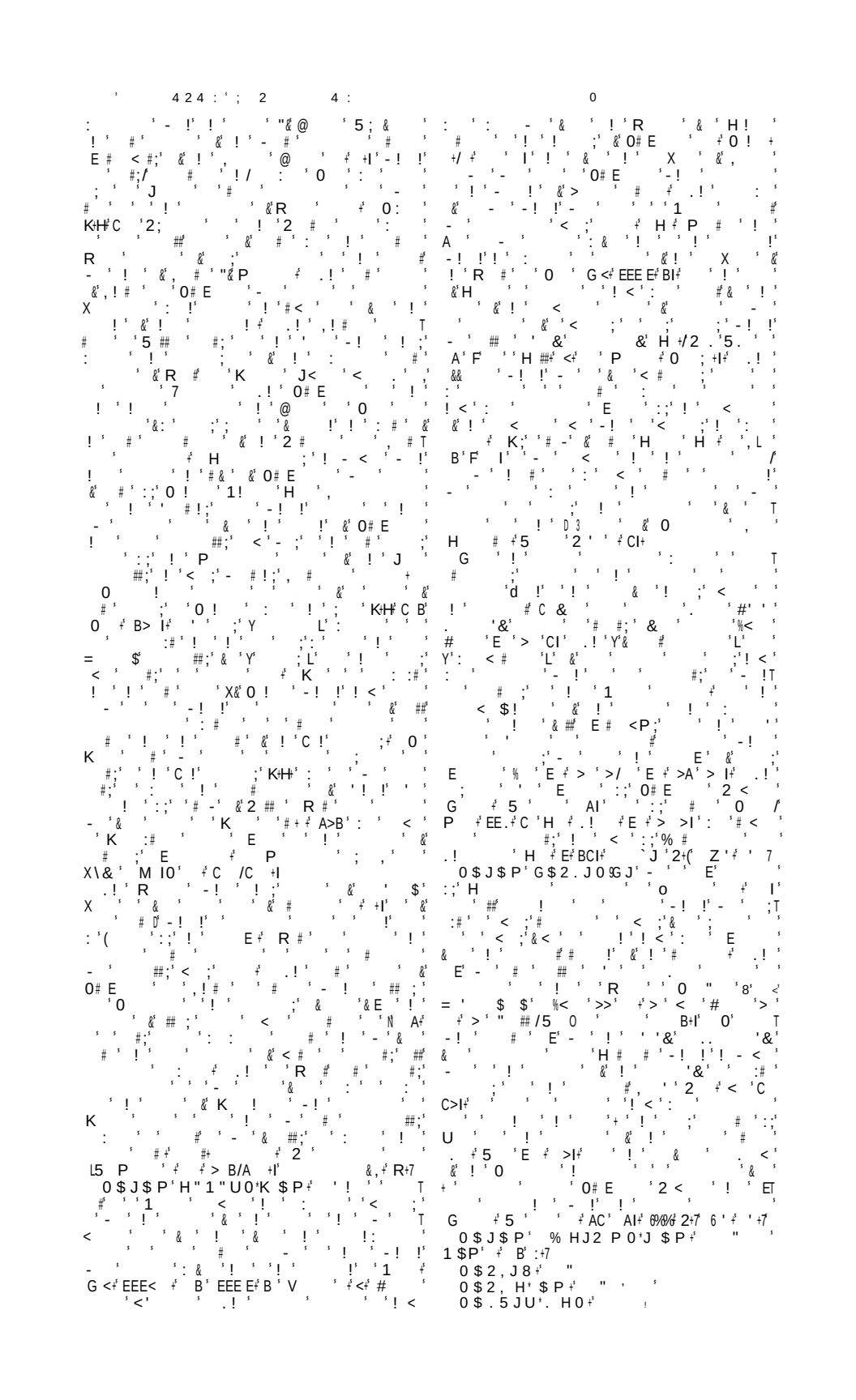

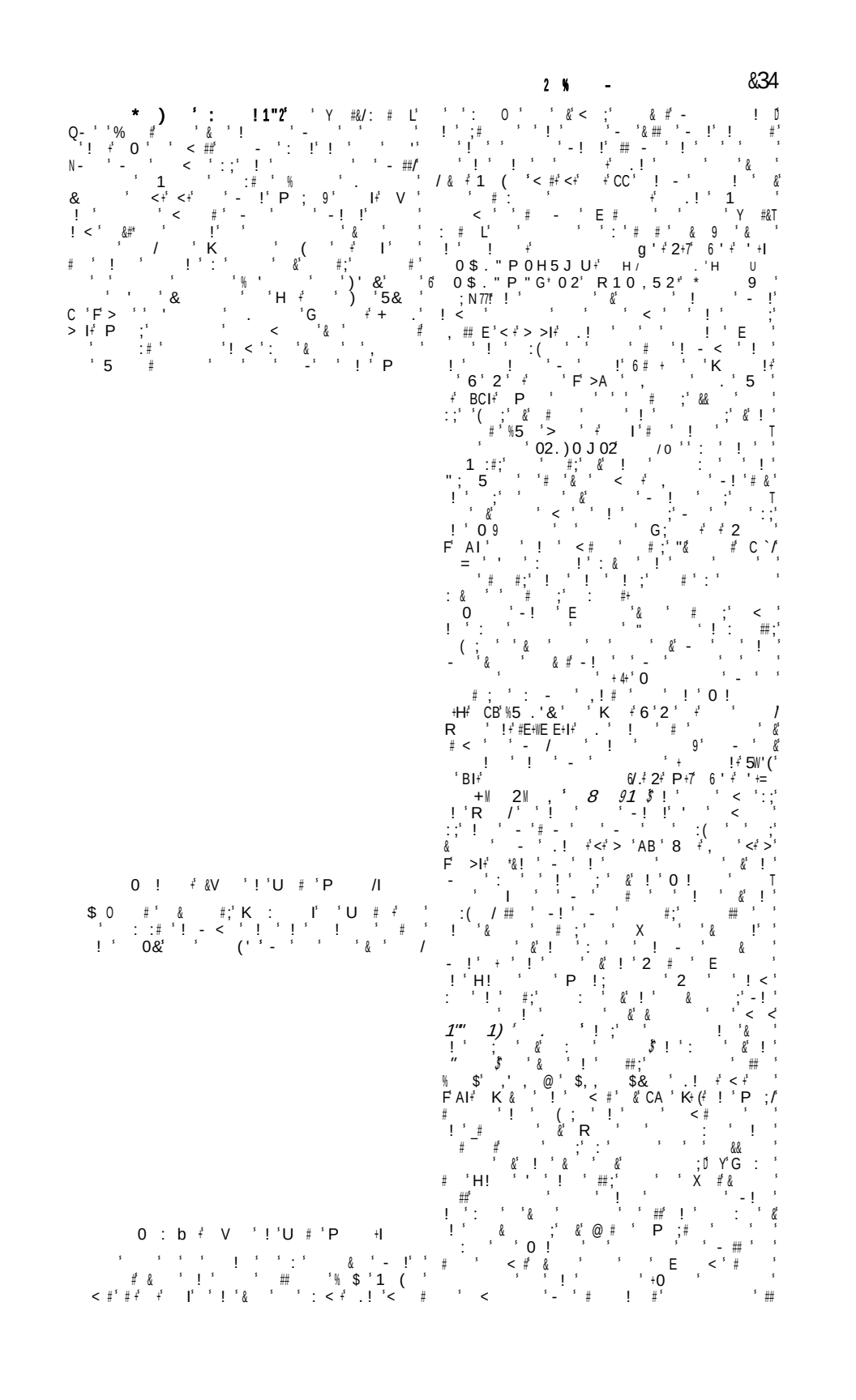

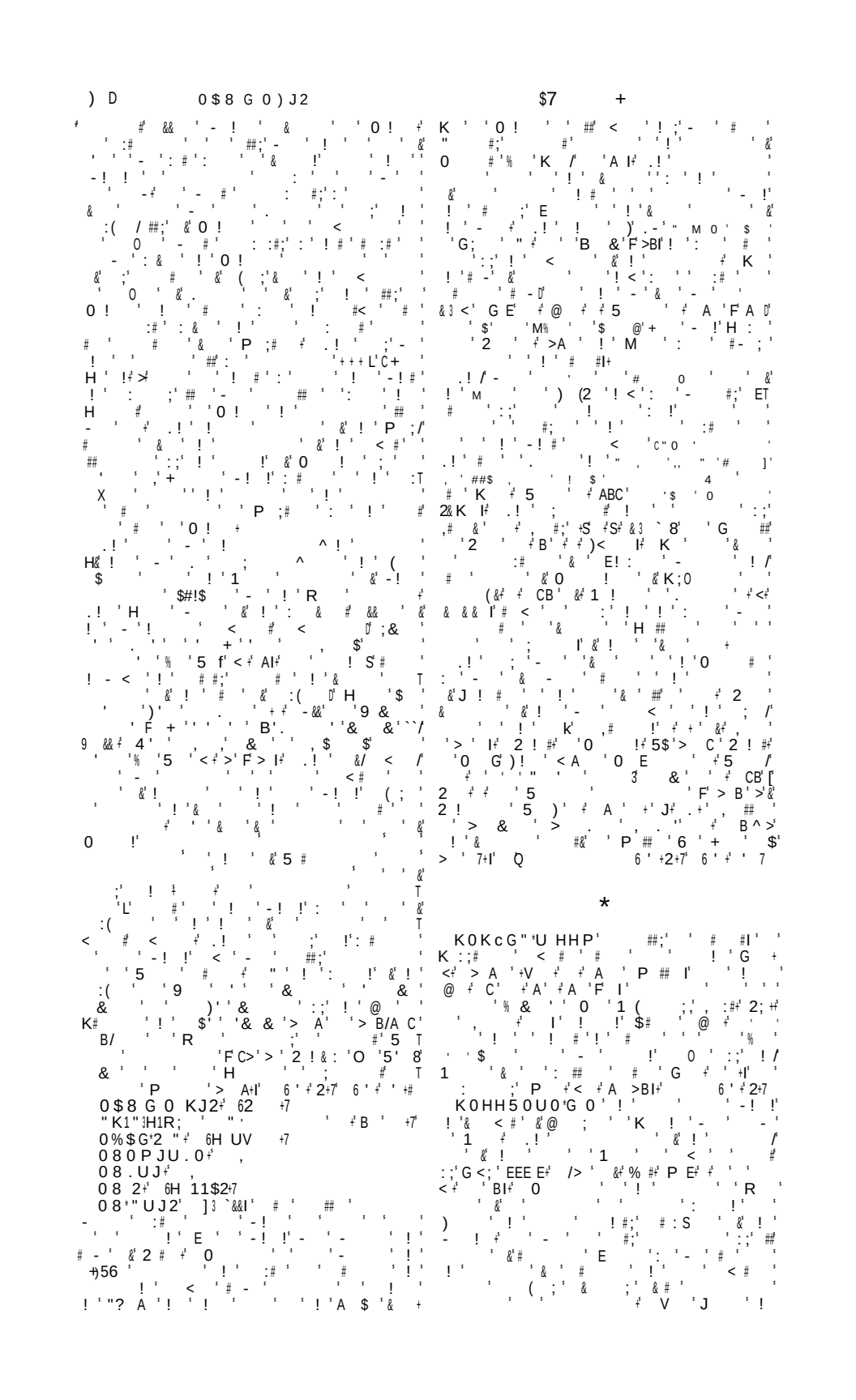

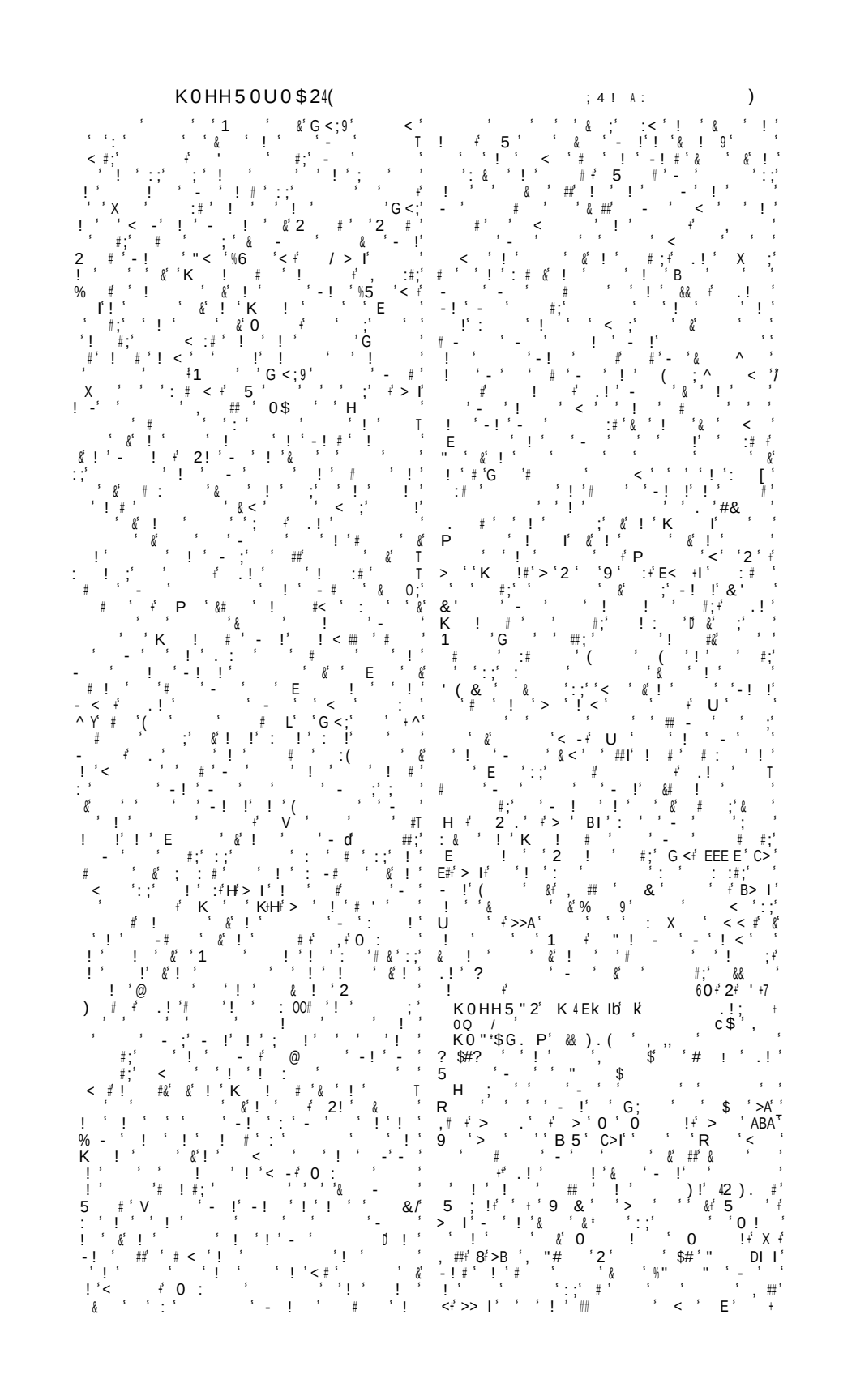

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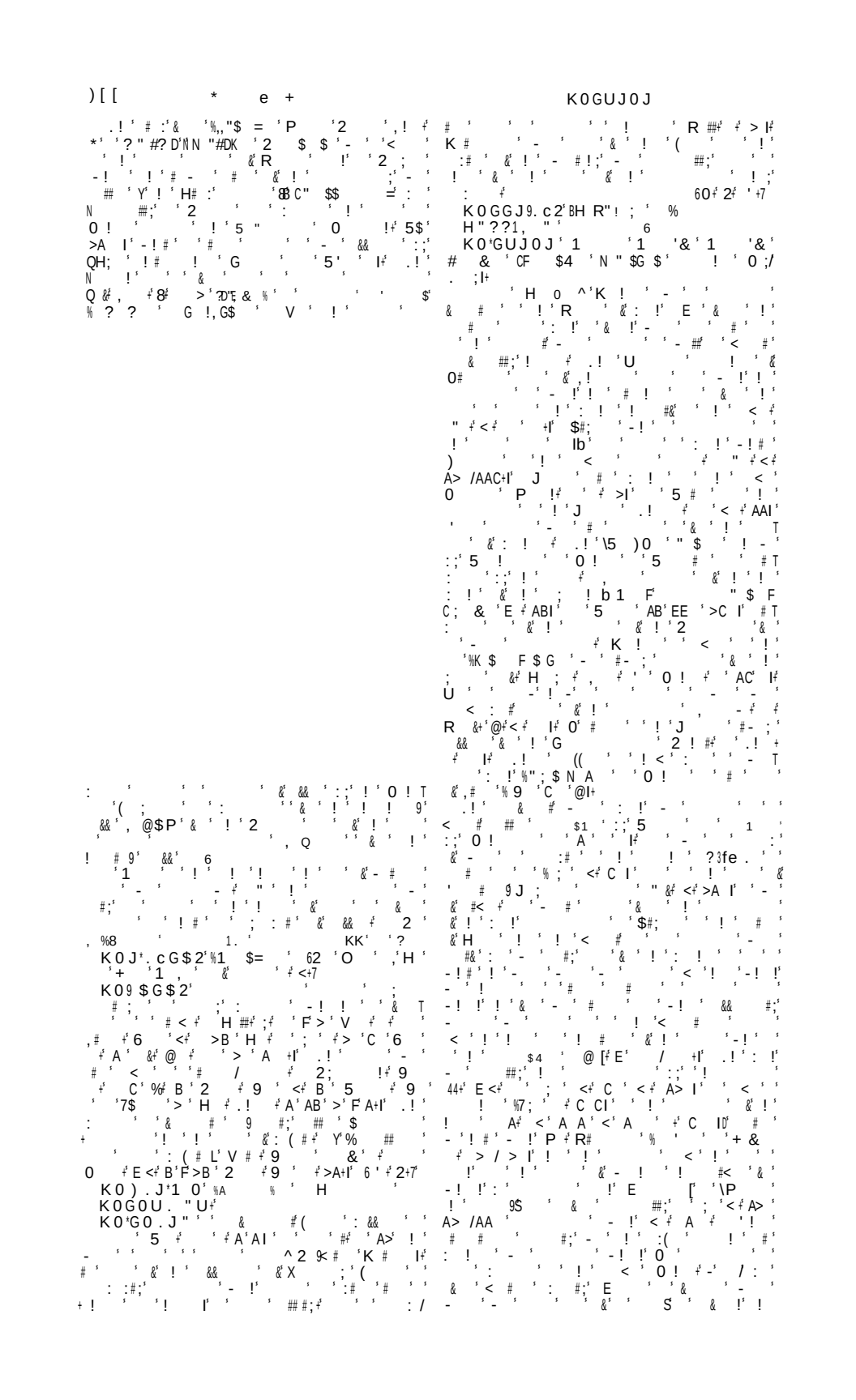

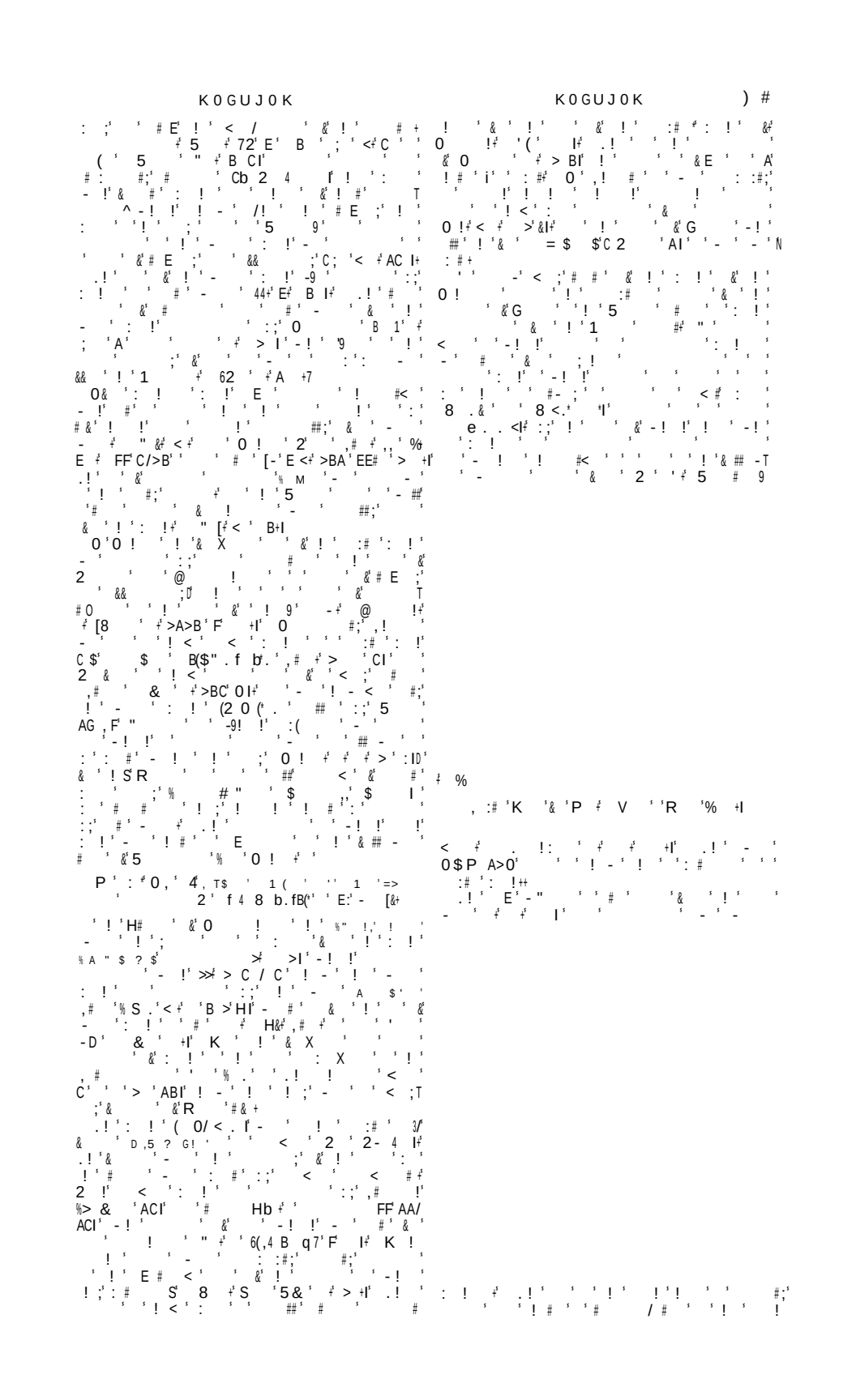

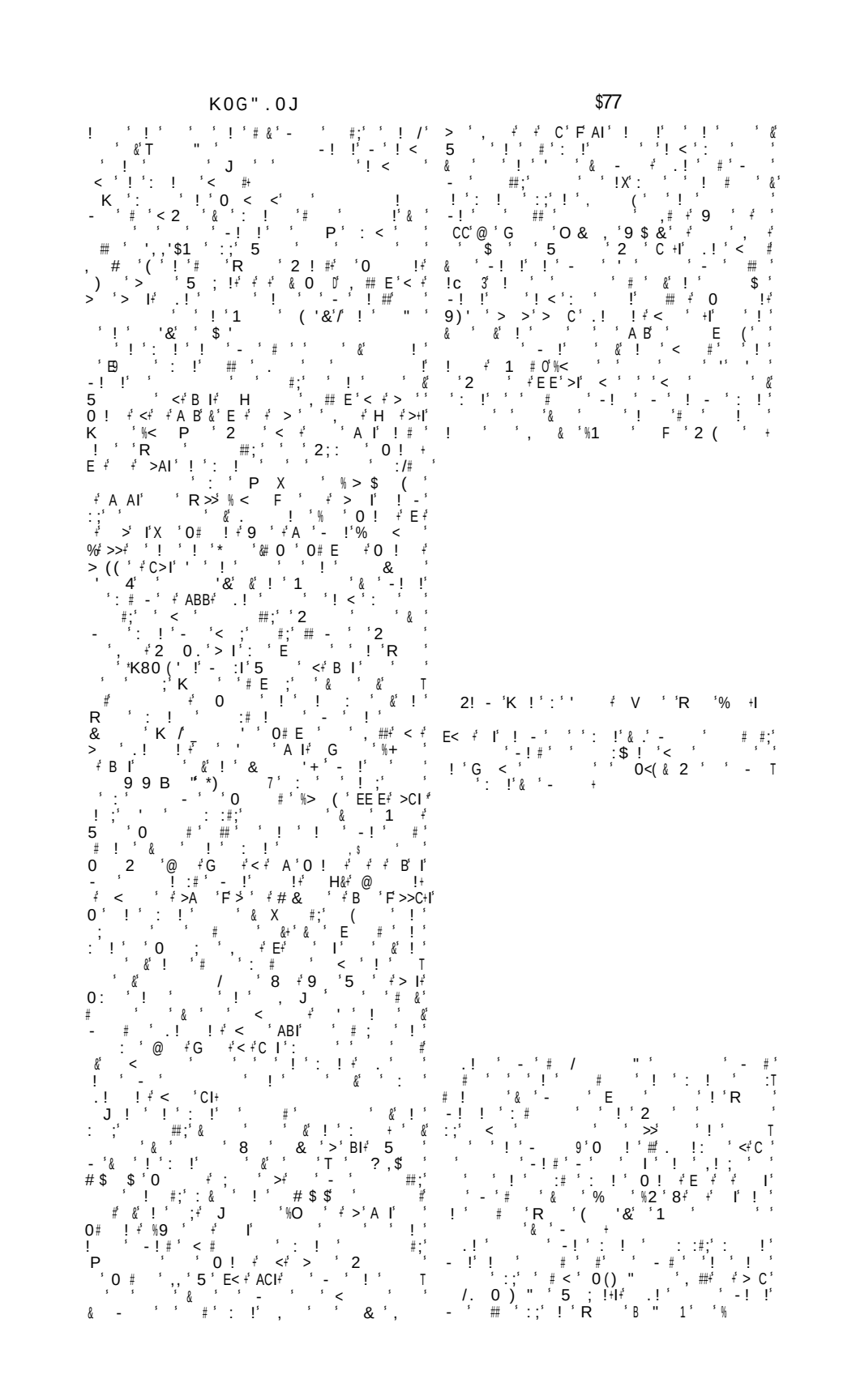

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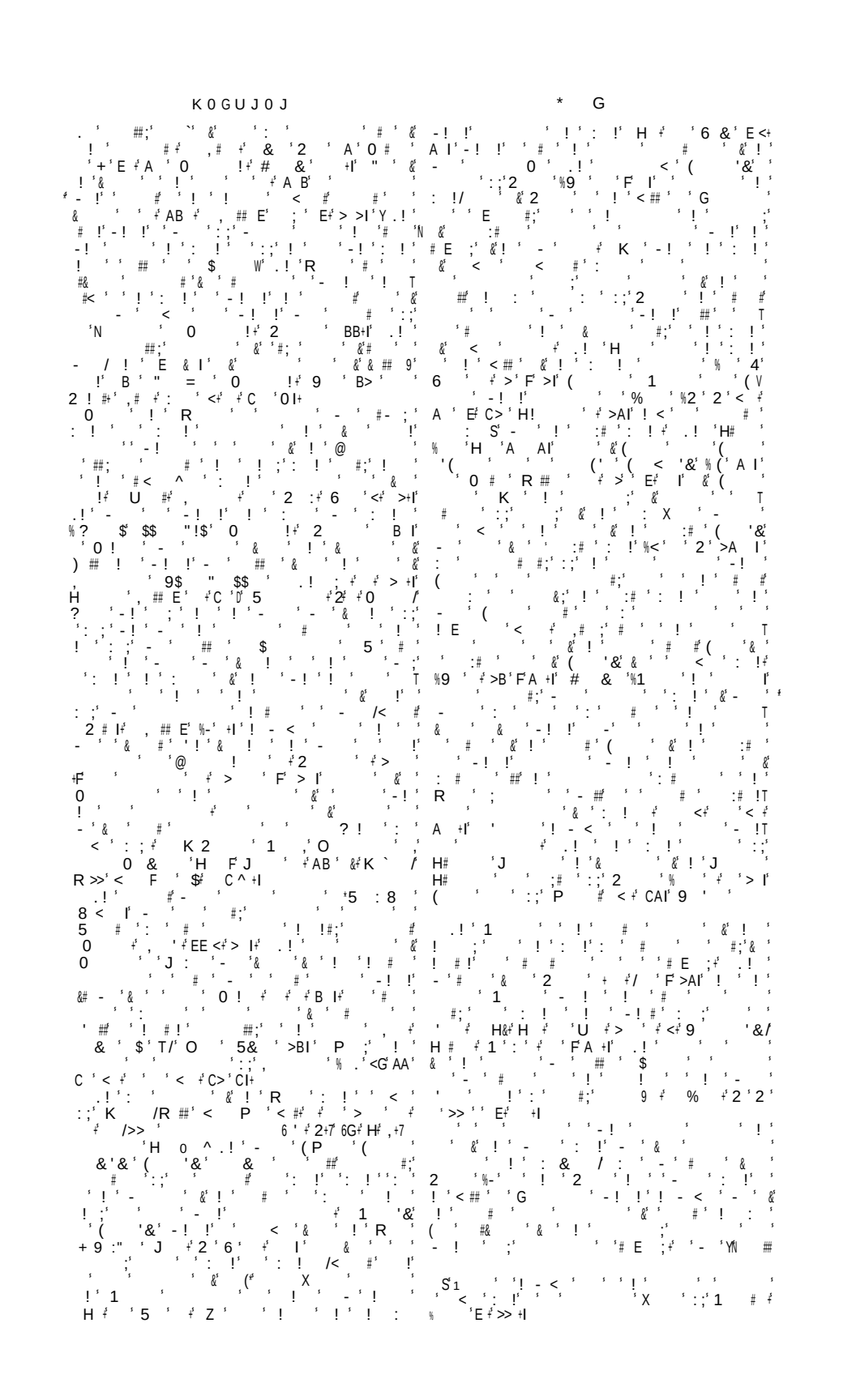
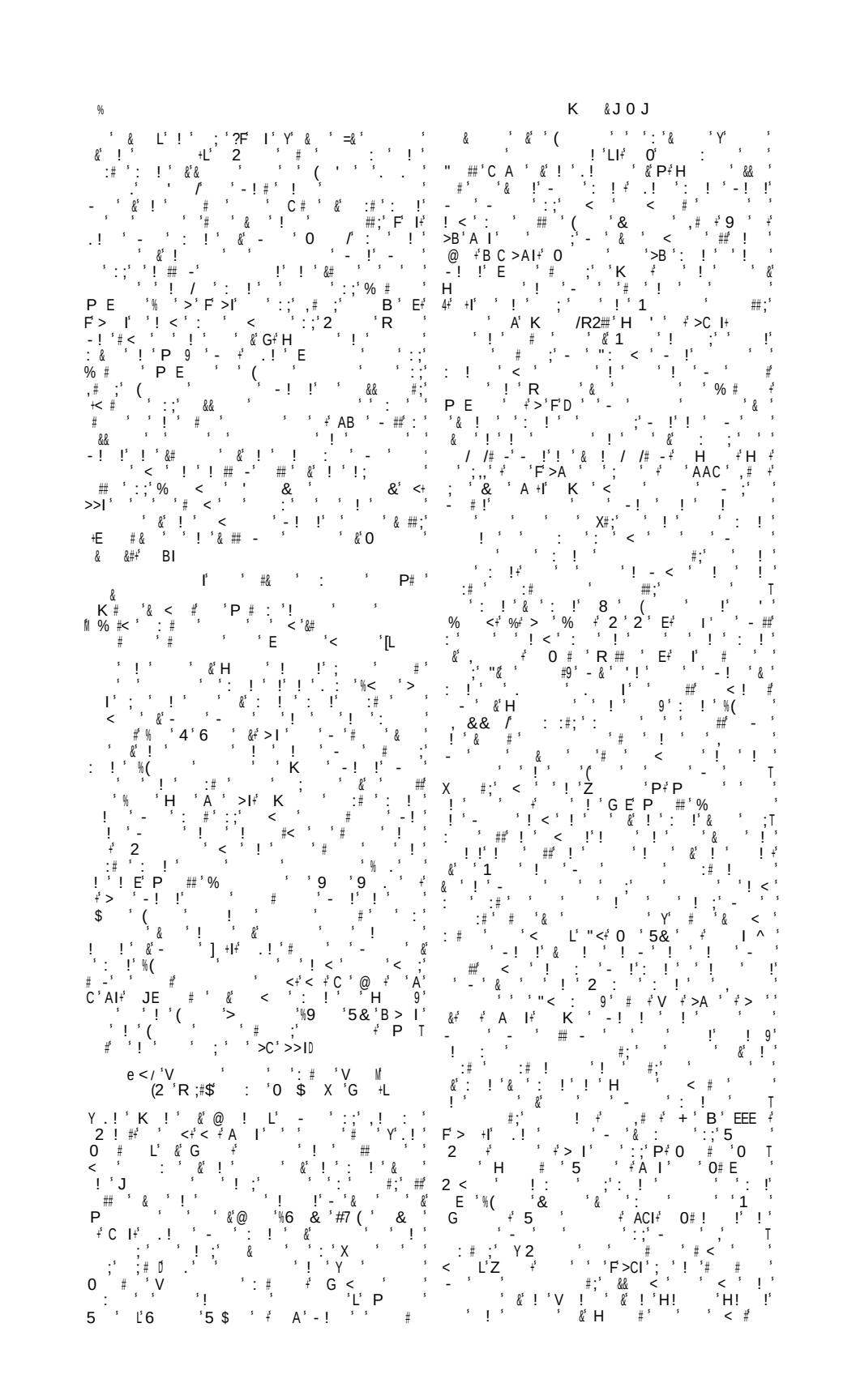
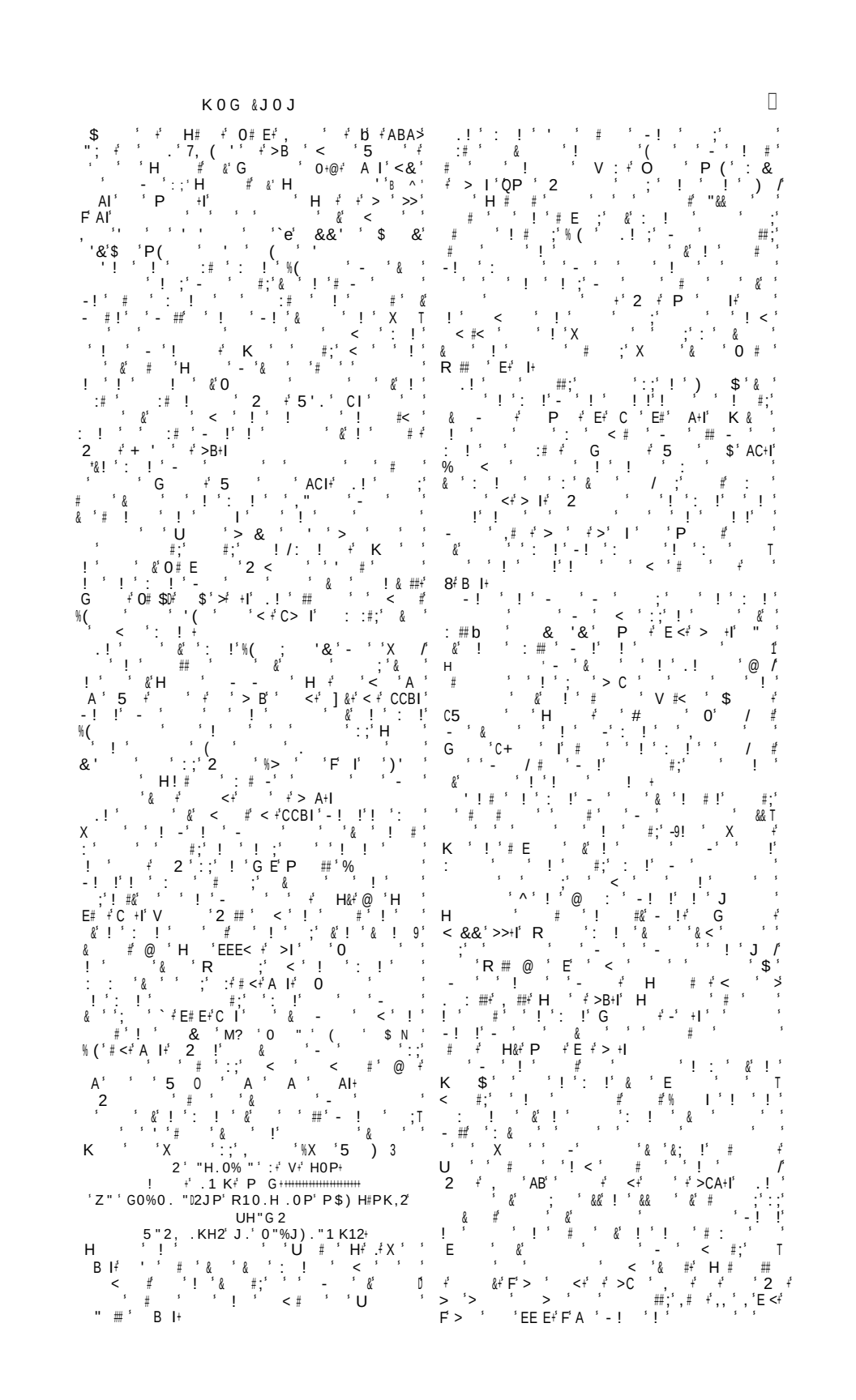
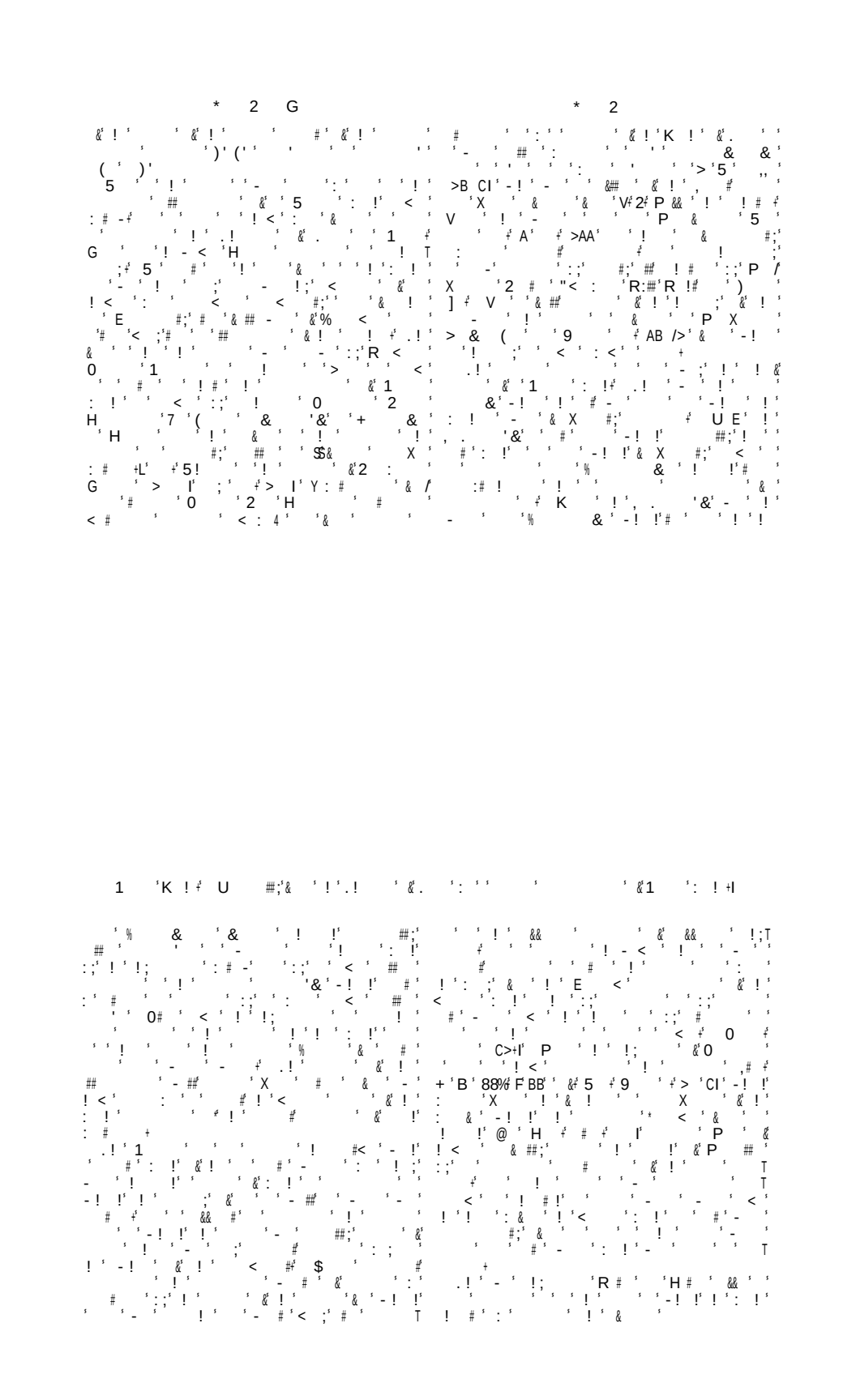
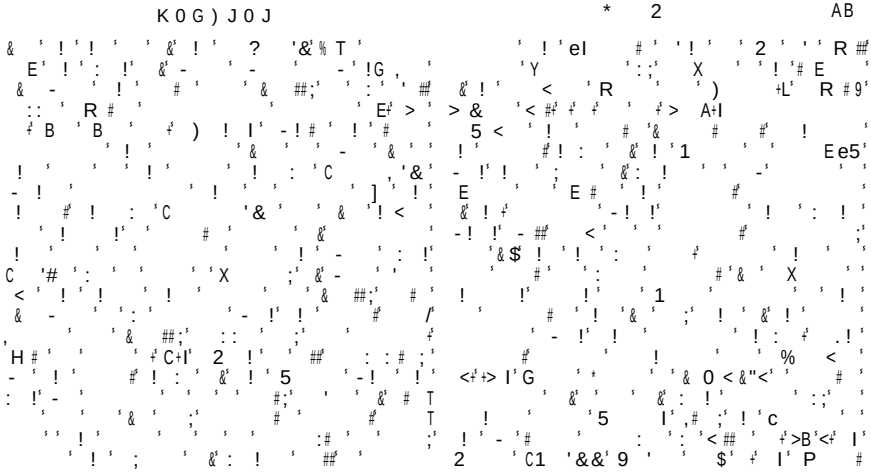
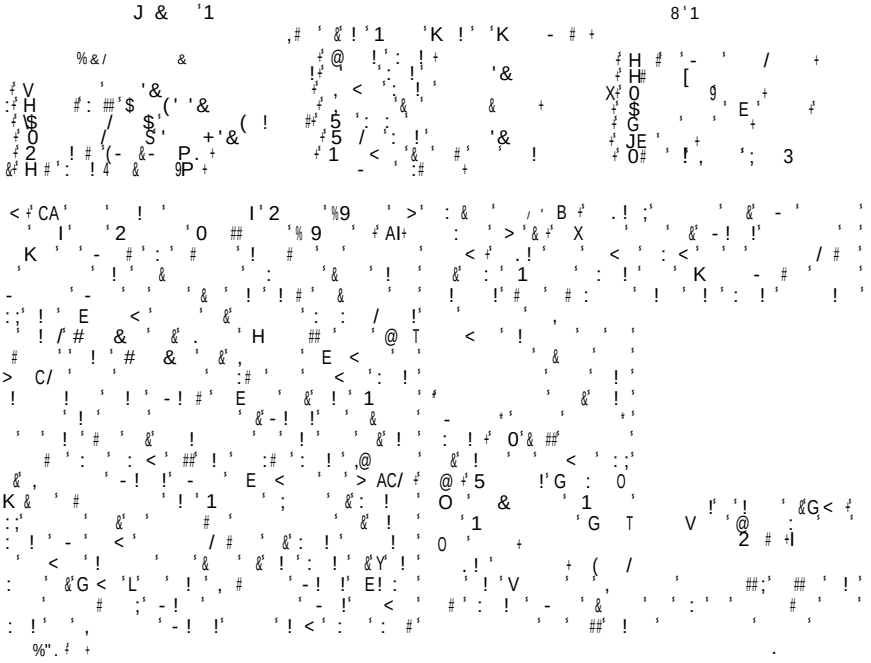


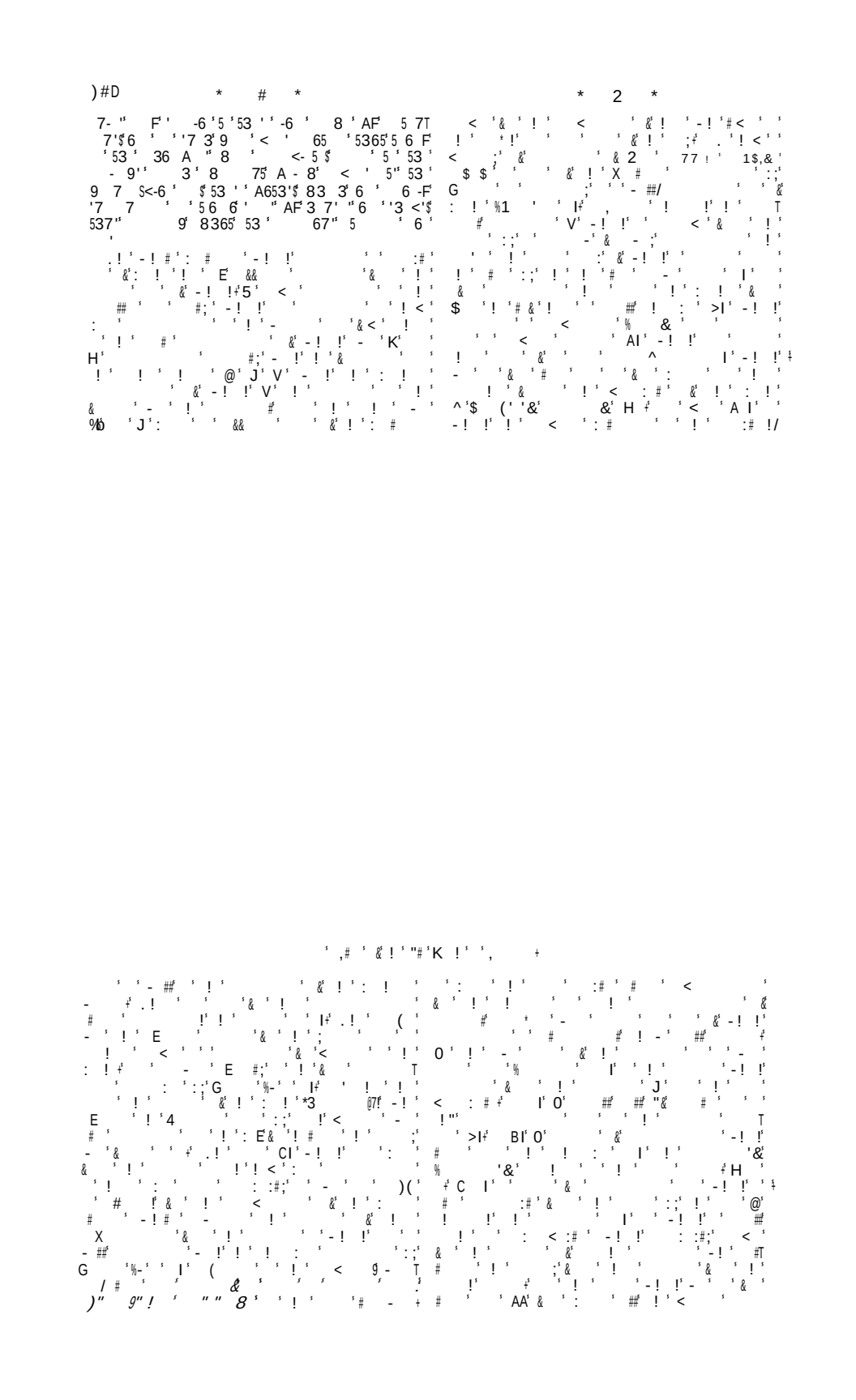


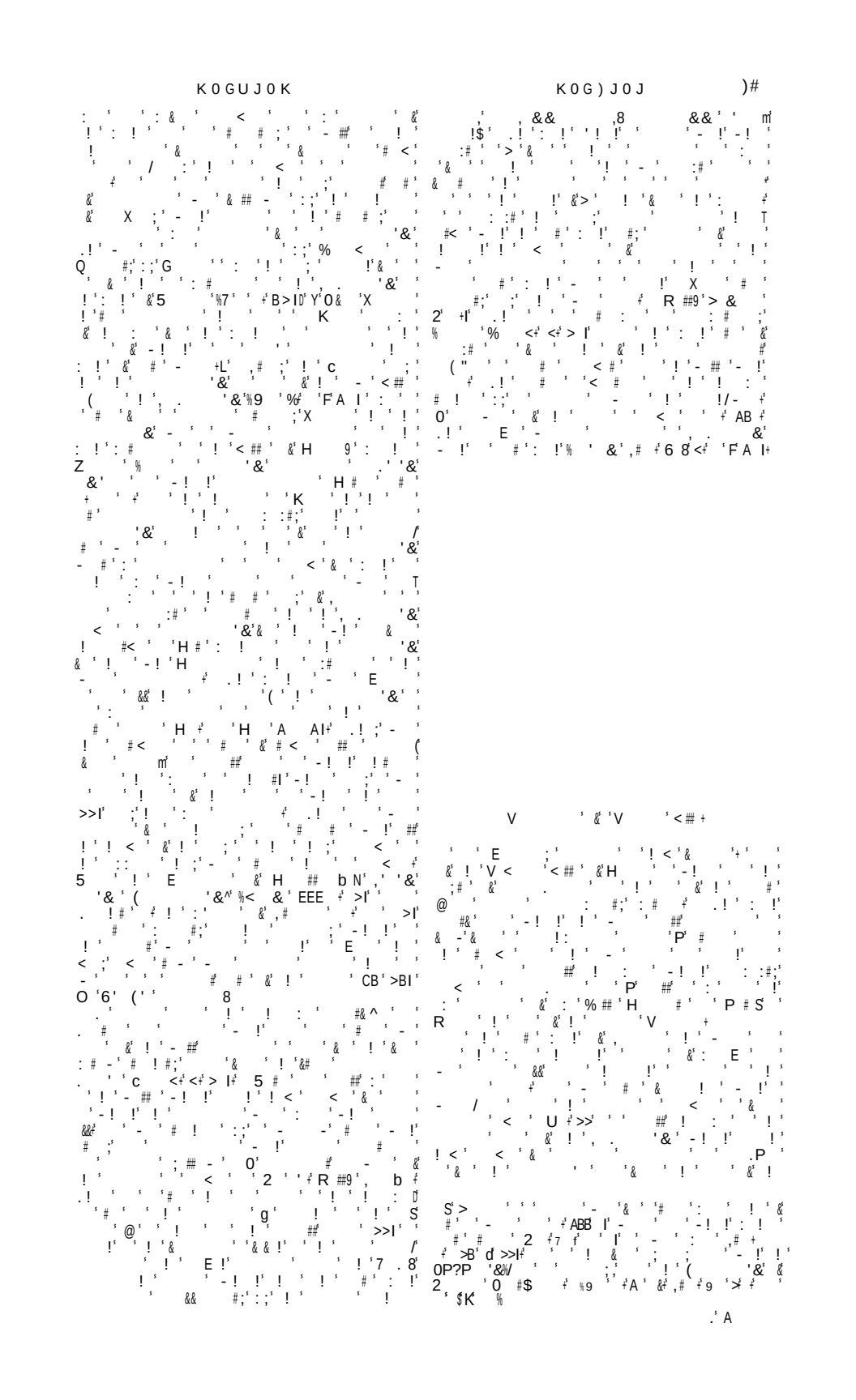






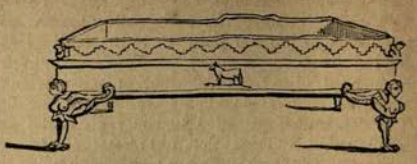






frigidarium, the bather, who intended to go through the process of warm bathing and sudation, entered into (12) the *tepidarium*.

This *tepidarium*, 33 feet long by 18 feet broad, did not contain water either at Pompeii or at the baths of Hippias, but was merely heated with warm air of an agreeable temperature in order to prepare the body for the great heat of the vapour and warm baths, and, upon returning, to obviate the danger of a too sudden transition to the open air. In the baths at Pompeii this chamber served likewise as an *apodyterium* for those who took the warm bath; for which purpose the fittings up are evidently adapted, the walls being divided into a number of separate compartments or recesses for receiving the garments when taken off, by a series of figures of the kind called *Atlantes* or *Telamones*, which project from the walls, and support a rich cornice above them. One of these divisions, with the *Telamones*, is represented in the article ATLANTES. Three bronze benches were also found in the room, which was heated as well by its contiguity to the hypocaust of the adjoining chamber, as by a brazier of bronze



Brazier of the Old Baths at Pompeii.

(*foculus*), in which the charcoal ashes were still remaining when the excavation was made. Sitting and perspiring beside such a brazier was called *ad flammam sudare* (Suet. *Aug.* 82). A representation of it is given in the above woodcut. Its whole length was 7 feet, and

Tepidarium of Old Baths of Pompeii. (From Gell.)

its breadth 2 feet 6 inches. The benches contained the inscription M. NIGIDIVS VACCVLA P.S. (*pecunia sua*). No doubt, from the representation of the cow on the brazier, this latter was also a gift of the same man.

The *tepidarium* is generally the most highly ornamented room in baths. It was merely a room to sit in and be anointed in. The water-bath which appears in the Stabian baths at Pompeii is quite an exception (see Becker-Göll, *Gallus*, iii. 132–4). In the old baths at Pompeii the floor is mosaic, the arched ceiling adorned with stucco and painting on a coloured ground, the walls red. The light is from a window at the south side, below which is a niche for a lamp. An illustration of the room taken from Gell, plate 29, is given above.

In addition to this service there can be little doubt that this apartment was used as a depository for unguents and a room for anointing (ἀλειπτήριον, *unctorium*, *elaecthesium*), the proper place for which is represented by Lucian (*l. c.*) as adjoining to the *tepidarium*, and by Pliny (*Ep.* ii. 17, § 11) as adjoining to the hypocaust; and for which purpose some of the niches between the *Telamones* seem to be peculiarly adapted. In the larger establishments a separate chamber was allotted to these purposes; but as there is no other spot within the circuit of the Pompeian baths which could be applied in the same manner, we may safely conclude that the inhabitants of this city were anointed in the *tepidarium* (cf. Celsus, i. 4); which service was performed by slaves called *unctores* and *aliptae*. [ALIPTAE.] Anointing sometimes took place before going into the hot bath (Celsus, *l. c.*), sometimes after the cold bath, just before putting on the clothes, in order to stop perspiration (Galen, x. 479). In some baths we find a special room, the *destrictarium* or *unctorium*,

used for anointing (Plin. *Epist.* ii. 17, § 11). For this purpose the common people used oil, sometimes scented; but the more wealthy classes indulged in the greatest extravagance with regard to their perfumes and unguents. These they either procured from the *elaeothesium* of the baths, or brought with them in small glass bottles (*ampullae olearíae*), hundreds of which have been discovered in different excavations made in various parts of Italy. [AMPULLA.] The fifteenth book of Athenaeus contains an ample treatise upon the numerous kinds of ointments used by the Romans; which subject is also fully treated by Pliny (*H. N.* xiii.).

Caligula is mentioned by Suetonius (*Cal.* 37) as having invented a new luxury in the use of the bath, by perfuming the water, whether hot or cold, by an infusion of precious odours, or, as Pliny states (*H. N.* xiii. § 22), by anointing the walls with valuable unguents; a practice, he adds, which was adopted by one of the slaves of Nero, that the luxury might not be confined to royalty (*ne principale videatur hoc bonum*).

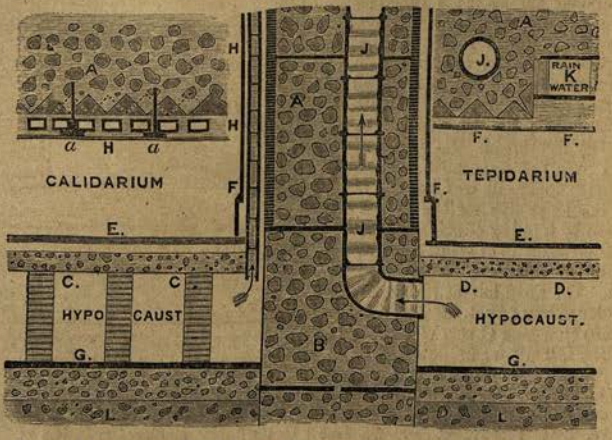
From this apartment, a door which closed by its own weight, to prevent the admission of cooler air, opened into No. 13, the *caldarium*, 53 feet long, 17½ feet broad. Its mosaic floor was suspended over the hypocaust. The wall was not lined with flues, but was hollow, forming as it were one large flue for the heated air. This was effected by a lining of bricks with projections (*tegulae mammatae*) of about four inches, strongly connected with the outer wall by cramps of iron. The room has at its south side the quadrangular *alveus* (Auct. *ad Her.* iv. 10; Cic. *Cael.* 28, 67) or *solium* (Lucr. vi. 800; Cat. *R. R.* 10, 4; Cels. i. 3 and 4; Liv. xliv. 6; Suet. *Aug.* 82) or *calida piscina* (Plin. *Ep.* ii. 17, § 11; Suet. *Ner.* 27); and at the north side, which ended in a dome-roofed semicircle, a round *labrum* (Cic. *Fam.* xiv. 20; Vitruv. v. 10, 4), like the Greek basin figured on p. 267. Into the *alveus*, called in Greek πύελος or θερμὴ δεξαμενή (Galen, x. 473, 536), or κολυμβήθρα θερμοῦ ὕδατος (Dio Cass. lv. 7), the bather descended from the platform (*schola*; cf. Petron. 92) by a step to which ascent was made from the floor of the *caldarium* by two steps. The *alveus* was 16½ feet long, 5½ broad, and 2 deep. Ten people could be in it together. Sometimes the *alveus* was sunk below the level of the room, sometimes raised above it. Both occur in the baths at Badenweiler. The *labrum* at the other end is a circular tub made of marble, 7½ feet in diameter, 8 inches deep, raised 3½ feet from the ground on a solid support of lava. It has an inscription round it (Orelli, 3277), which declares that it cost HS. 5250. It was used for holding cold water, for pouring over the head before the bather quitted the hot room. In the splendid baths of Etruscus there was a constant stream of water from silver pipes into a silver *labrum*, whence the water, in wonder at its beauty, says the poet (Stat. *Silv.* i. 5, 48), was loth to depart. Elsewhere we hear of baths having silver *alvei* or *solia* (Plin. *H. N.* xxxiii. § 152). Owing to the great heat of the *caldarium*, there was not much ornamentation in this room at Pompeii, and no painting. Any ornamentation there was, was in the dome over the *labrum*. There are four windows, arranged with no regard to symmetry. Below the opening in the dome is a hollow for the lamp. The woodcut taken from Gell (plate 31) represents the end of the room which contained the *labrum*.

Caldarium of Old Baths at Pompeii. (From Gell.)

Strictly speaking, there was no *laconicum* (*assa*, Cic. *Q. Fr.* iii. 1, 2; *sudatorium*, Senec. *Ep.* li. 6; ξηρὸν βαλανεῖον, Galen, vi. 228) in the old baths at Pompeii. When a *laconicum* did occur, it was quite separate from the *caldarium*, and raised to a higher temperature. It was merely a sweating-room, and had no bath. It was a circular apartment with a dome-shaped ceiling; ξηρὸς θόλος it is called by Alexander of Aphrodisias. The diameter of such a room, Vitruvius says (v. 10), should be equal to the height as far as the beginning of the dome; and in the middle of the dome there should be an opening which could be closed or opened partially or entirely by a brass cover or shield (*clipeus*), worked by chains from below (cf. Timarchus, *ap.* Athen. p. 501 f, who calls the cover ὀμφαλός). The term *laconicum* appears to have arisen in Italy; for the Greeks, as we saw, called such a sweating bath Ἑλληνικὴ πυρίη (Herod. iv. 75). According to Dio Cassius (liii. 27), "Agrippa first introduced the Laconian sweating-bath; for the gymnasium is a Laconian institution, and the Spartans seemed especially in former times to have stripped and anointed themselves with oil" (cf. Thuc. i. 6). The first statement cannot be accurate, as we hear of a *laconicum* as early as 70 B.C. in an inscription from the Stabian baths at Pompeii (*C. I. L.* i. 1251), and at Cicero's villa at Puteoli in 55 B.C. (Cic. *Att.* iv. 10). But it is quite possible that the hot room got the name of *laconicum* from the notoriety of the Laconian practice of anointing, which would of course be most conveniently done in a room

of fairly high temperature. When the name originated, the highest temperature used was nothing very considerable; but as the use of baths increased, the heat of the hottest rooms increased also (cf. Senec. *Ep.* 86, 10), and the name *laconicum* appears to have continued to be applied to the hottest rooms, though the anointing was no longer performed there, but in the milder temperature of the *tepidarium*. There is no *laconicum* proper, as has been said, in the old baths at Pompeii; but as the hottest room is the *caldarium*, we may if we like, with Nissen (*op. cit.* 156), apply that term to this latter apartment, but we must apply it to the whole room, and not merely to the niche for the *labrum*. The view that the *laconicum* was a little arched oven in the *caldarium* which was in direct communication with the hypocaust, and which had an aperture with a moveable covering (*clipeus*), through which the heat of the *caldarium* could be regulated—this view, which is derived from the supposed plan of the Baths of Titus, vanishes by the proved unauthenticity of that illustration.

Here a word must be said on the *suspensurae*, or hanging floors above the *hypocaustum*. (Vitruv. v. 10; Plin. *Ep.* ii. 17, § 23; Stat. *Silv.* i. 5, 59; Dig. 17, 1, 16.) On this subject we cannot do better than quote the words of Mr. Middleton (*Ancient Rome*, p. 334), who thus explains the system of heating used in the *Thermae* of Caracalla at Rome: "Vitruvius's description of the hypocausts or hollow floors used for heating the hot rooms (*calidaria*) agrees closely with many existing examples. The lower floor was to be laid with 2 feet tiles (*tegulae bipedales*) over a bed of concrete: on this, all over the area of the room, rows of short pillars (*pilae*) were built to



Method of heating the Baths in the Thermae of Caracalla. (From Middleton.)

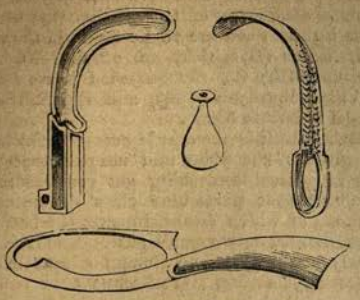
AA. Concrete wall faced with brick.
B. Lower part of wall with no brick facing.
CC. *Suspensura*, or upper floor of hypocaust, supported by pillars.
DD. Another floor, with support only at the edges.
EE. Marble flooring.
FF. Marble plinth and wall lining.
GG. Under-floor of hypocaust, paved with large tiles.
HH. Horizontal and vertical sections of the flue tiles, which line the walls of the Caldarium.
aa. Iron holdfasts.
JJ. Socket-jointed flue-pipe of Tepidarium.
K. Rain-water pipe.
LL. Vaults of crypt, made of pumice-stone concrete.

support the upper or 'hanging floor' (*suspensura*). These *pilae* were to be 2 feet high [in the baths of Caracalla they are from 2½ to 2¾ feet high, p. 367], made of *tegulae bessales*, or tiles 8 inches square, set, not in mortar, but with clay in the joints: in existing examples these clay joints have been baked into brick by the action of the fire" (rather "hot air," for there was not a fire in the *hypocaustum*, but in the *hypocausis*). The passages from the furnace to the hypocaust and the flues in the walls appear to have been called *cuniculi* ("per quos vapor trahitur in balneariis," Dig. 43, 21, 3, 6; "fornacis cuniculus," Plin. *H. N.* ix. 134).

After having gone through the regular course of perspiration, the Romans made use of instruments called *strigiles* (or *strigles*, Juv. *Sat.* iii. 263), to scrape off the perspiration, much in the same way as we are accustomed to scrape the sweat off a horse with a piece of iron hoop, after he has run a heat, or comes in from violent exercise. The strigil was also used by the Greeks, who called it *stlengis* (στλεγγίς, Plat. *Hipp. Min.* 368 C) or *xystra* (Luc. *Lexiph.* 5); and the Greek instrument is represented in the annexed cut. These instruments, some specimens of which are also represented in the cut on p. 279, and many of which have been discovered amongst the ruins of the various baths of antiquity, were made of bone, bronze, iron, and silver; all corresponding in form with the epithet of Martial, "*curvo* distringere ferro" (*Epig.* xiv. 51). The poorer classes were obliged to scrape themselves, but the more wealthy took their slaves to the baths for the purpose; a fact which is elucidated by a curious story related by Spartianus (*Hadrian.* c. 17).

Strigil. (From a Statue in the Vatican.)

The strigil was by no means a blunt instrument, consequently its edge was softened by the application of oil, which was dropped upon it from a small vessel called *guttus*,* which had a



Strigils. (Found in Roman baths.)

narrow neck, so as to discharge its contents drop by drop, from whence the name is taken. A representation of a *guttus* is given in the preceding woodcut; a strigil and guttus together are represented below, and also in the figure on p. 117. Augustus is related to have suffered from an over-violent use of the strigil. (Suet. *Aug.* 80.) Invalids and persons of a delicate habit made use of sponges, which Pliny says answered for towels as well as strigils. They were finally dried with towels (*lintea*), and anointed. (Juv. *Sat.* iii. 262; Apuleius, *Met.* i. 23; Plin. *H. N.* xxxi. § 125 ff.)

Strigil and Guttus. (From a Relief at Athens.)

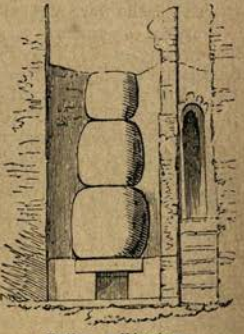
The common people were supplied with these necessaries in the baths,—*omnia commoda praestantur*, as we saw above; but the more wealthy carried their own with them (Pers. *Sat.* v. 126).

After the operation of scraping and rubbing dry, they retired into, or remained in, the *tepidarium* until they thought it prudent to encounter the open air. But it does not appear to have been customary to bathe in the water, when there was any, either of the *tepidarium* or *frigidarium*; the temperature only of the atmosphere in these two chambers being of consequence to break the sudden change from the extreme of heat to cold.

Returning now back into the *frigidarium* (8), which, according to the directions of Vitruvius (v. 11), has a passage (14) communicating with the mouth of the furnace (*e*), which is also seen under the boilers in the cut opposite, called *praefurnium* (Vitruv. v. 10), or *propnigeum* (Plin. *Ep.* ii. 17, § 11); and passing down that passage, we reach the chamber (15) into which the *praefurnium* projects, and which has also an entrance from the street at B. It was appropriated to the use of those who had charge of the fires (*fornacatores*). There are two staircases in it; one of which leads to the roof of the baths, and the other to the coppers which contained the water. Of these there were three: one of which contained the hot water—*caldarium* (sc. *vas*, or *ahenum*); the second the tepid—*tepidarium*; and the last the cold—*frigidarium*. The

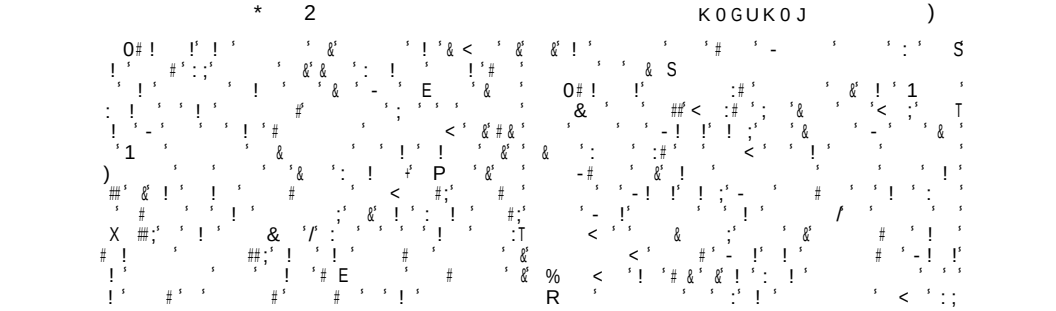
Frigidarium of the Old Baths at Pompeii. (From Gell.)

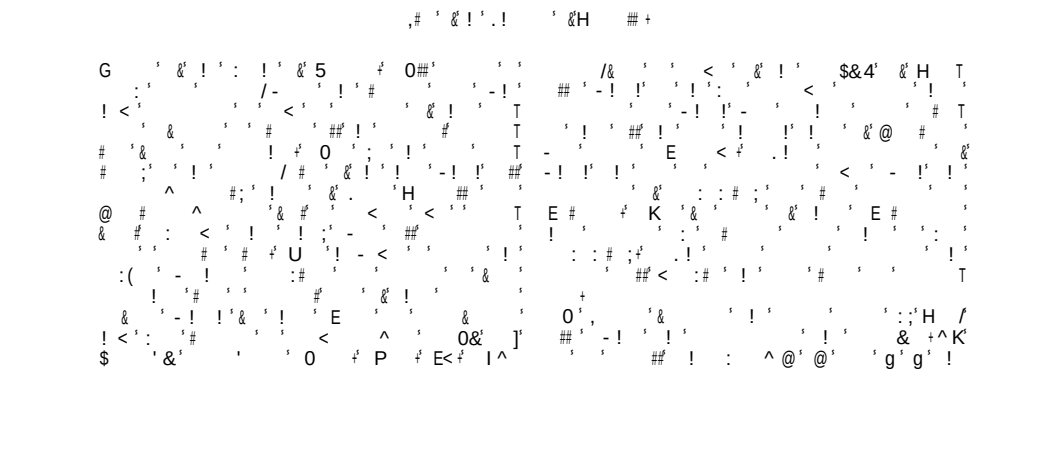
warm water was introduced into the warm bath by means of a conduit pipe, marked on the plan, and conducted through the wall. Underneath the *caldarium* was placed the circular furnace (*f*) (*furnus*, Hor. *Ep.* i. 11, 12), over 7 feet in diameter, which served to heat the water and give out streams of warm air into the hollow cells of the *hypocaustum*. It passed from the furnace under the first and last of the caldrons by two flues, which are marked upon the plan. The copper containing hot water was placed immediately over the furnace; and, as the water was drawn out from thence, it was supplied from the next, the *tepidarium*, which was raised a little higher and stood a little way off from the furnace. It was already considerably heated from its contiguity to the furnace and the hypocaust below it, so that it supplied the deficiency of the former without materially diminishing its temperature; and the vacuum in this last.



Boiler, *miliarium*. (From Pompeii.)

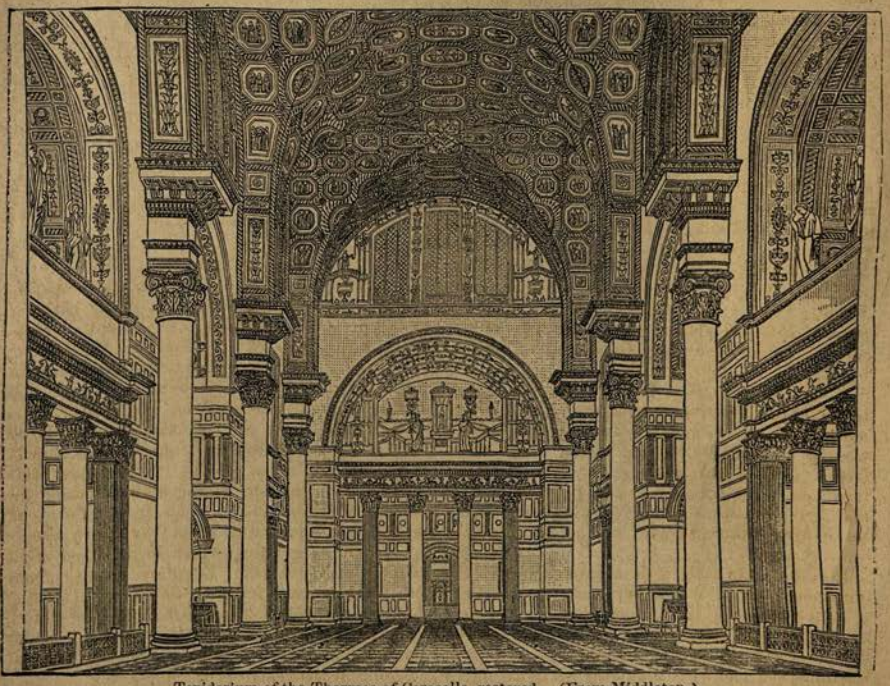
* It was also called *alabastrum*, *ampulla*, λήκυθος, ῥυροθήκιον, ἐλαιοφόρον. (Ruperti, *ad* Juv. *Sat.* iii. 262.) [AMPULLA.]





porticoes. (Vitruv. v. 11.)—F, F, *Exedrae*, in which there were seats for the philosophers to hold their conversations. (Vitruv. *l. c.*; Cic. *de Orat.* iii. 5, 17.)—G, *Hypaethrae*, passages open to the air: "*Hypaethrae ambulationes* quas Graeci περιδρόμιδας, nostri xystos appellant." (Vitruv. *l. c.*)—H, H, Stadia in the palaestra—*quadrata sive oblonga* (Vitruv. *l. c.*), if they were not like I, I, which were possibly academies where public lectures were delivered.—J, J, and K, K, Rooms appropriated to the servants of the baths (*balneatores*). In the latter are staircases for ascending to the principal reservoir. The spaces between J and K, marked I, I, were probably like I, I, below, lecture rooms or libraries.—L, Space occupied by walks and shrubberies—*ambulationes inter platanones*. (Vitruv. *l. c.*)—M, The arena or stadium in which the youth performed their exercises, with seats for the spectators (Vitruv. *l. c.*), called the *theatridium*.—N, N, Reservoirs, with upper stories, sectional elevations of which are given in the two woodcuts on p. 283.—O, Aqueduct which supplied the baths.—P, The cistern or *piscina*. This external range of buildings occupies one mile in circuit.

We now come to the arrangement of the interior, for which it is very difficult to assign satisfactory destinations. Q represents the principal entrances, of which there were eight.—R, the *natatio*, *piscina*, or cold-water bath, to which the direct entrance from the portico is by a vestibule on either side marked S, and which is surrounded by a set of chambers which served

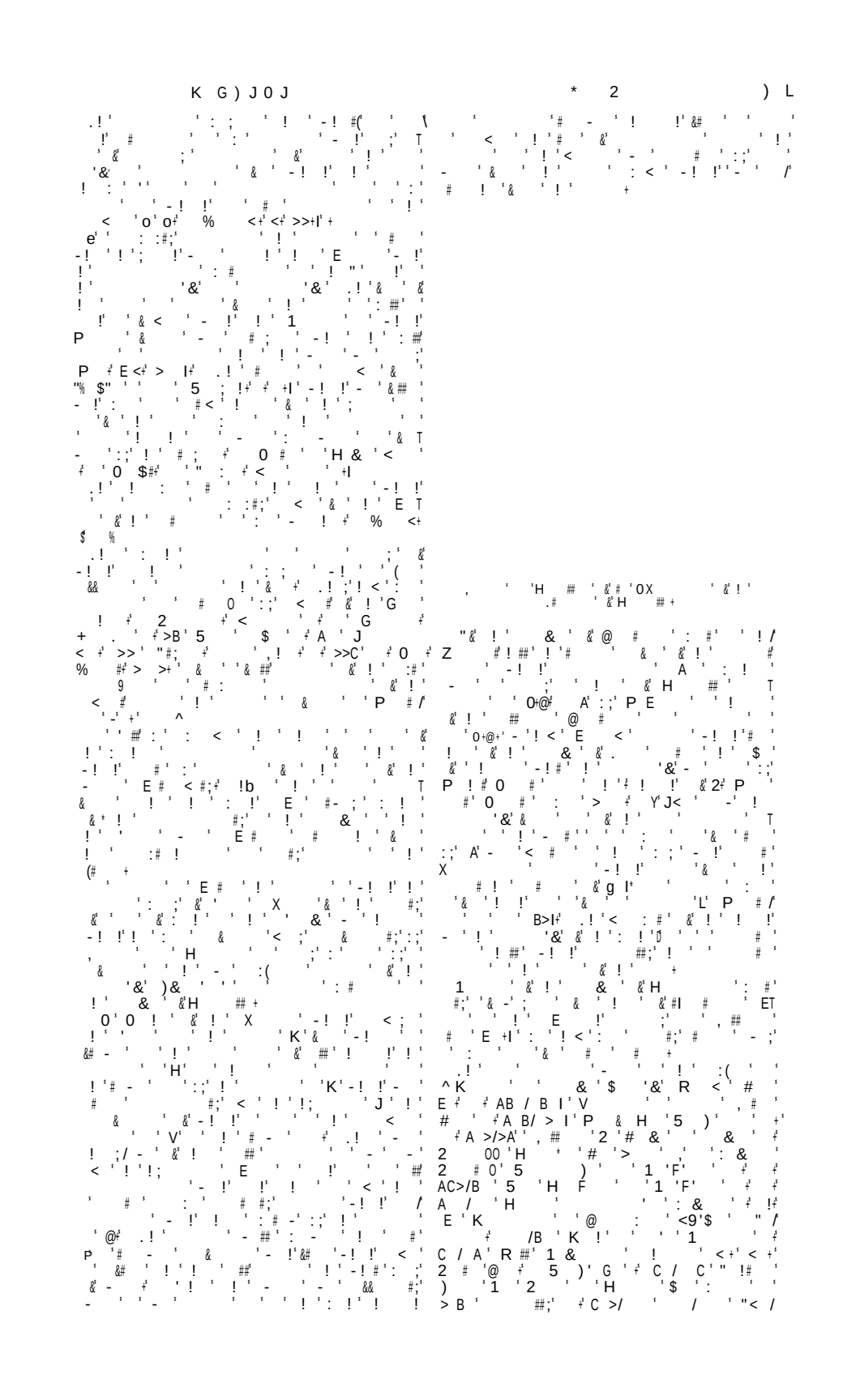


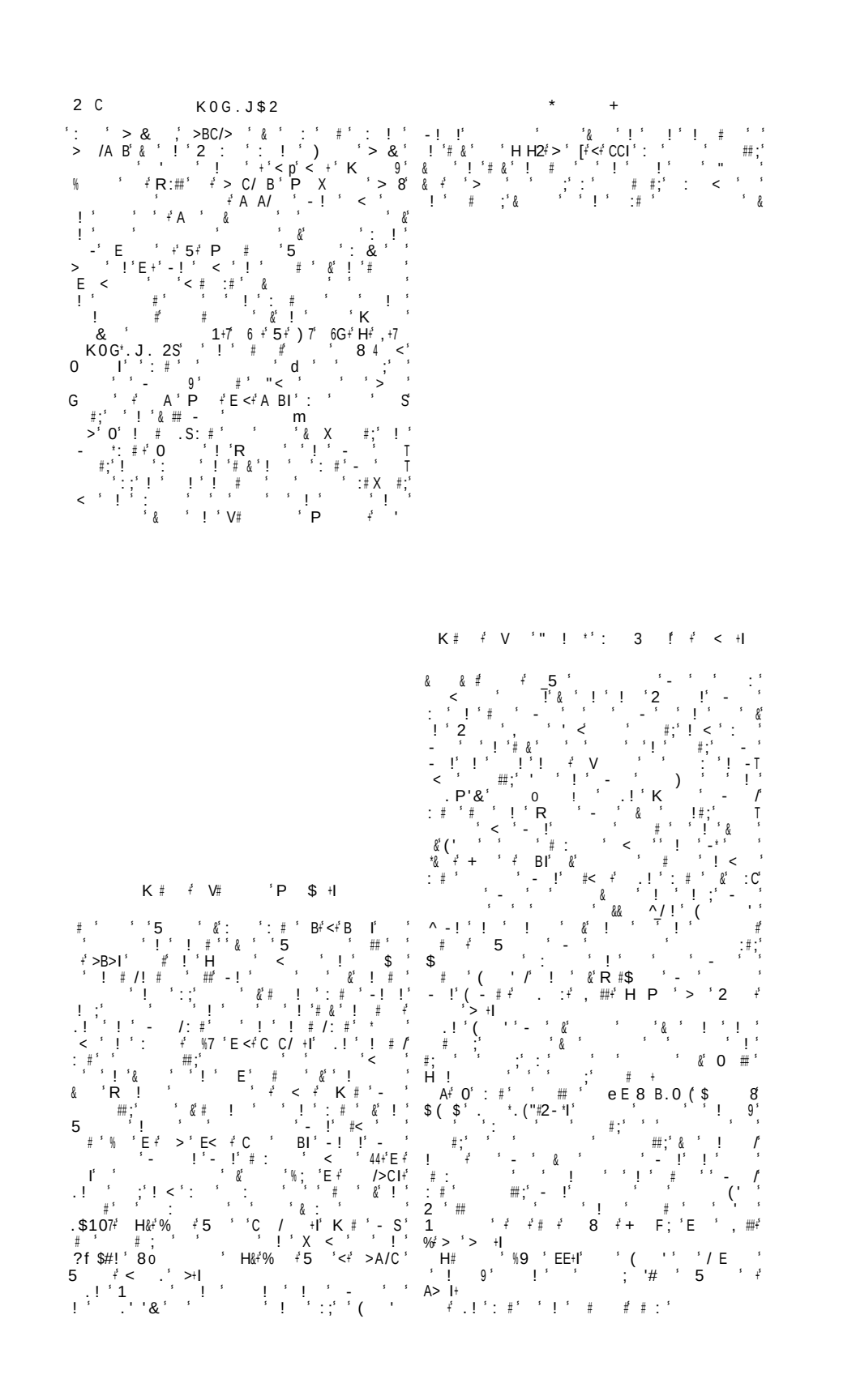
Tepidarium of the Thermae of Caracalla, restored. (From Middleton.)

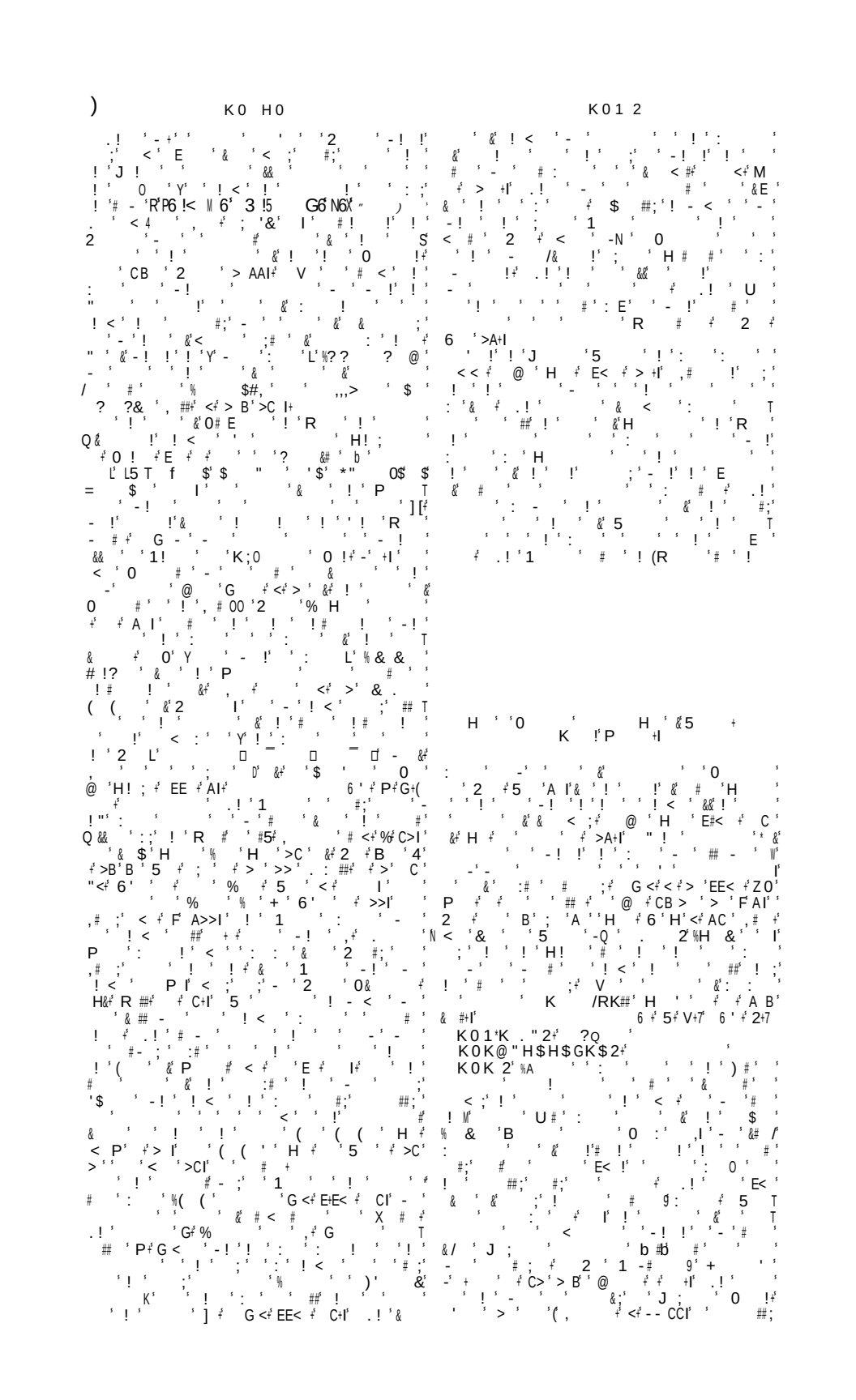
most probably as rooms for undressing (*apodyteria*), anointing (*unctuaria*), and stations for the *capsarii*. Those nearest to the peristyle were perhaps the *conisteria*, where the powder was kept which the wrestlers used in order to obtain a firmer grasp upon their adversaries:—

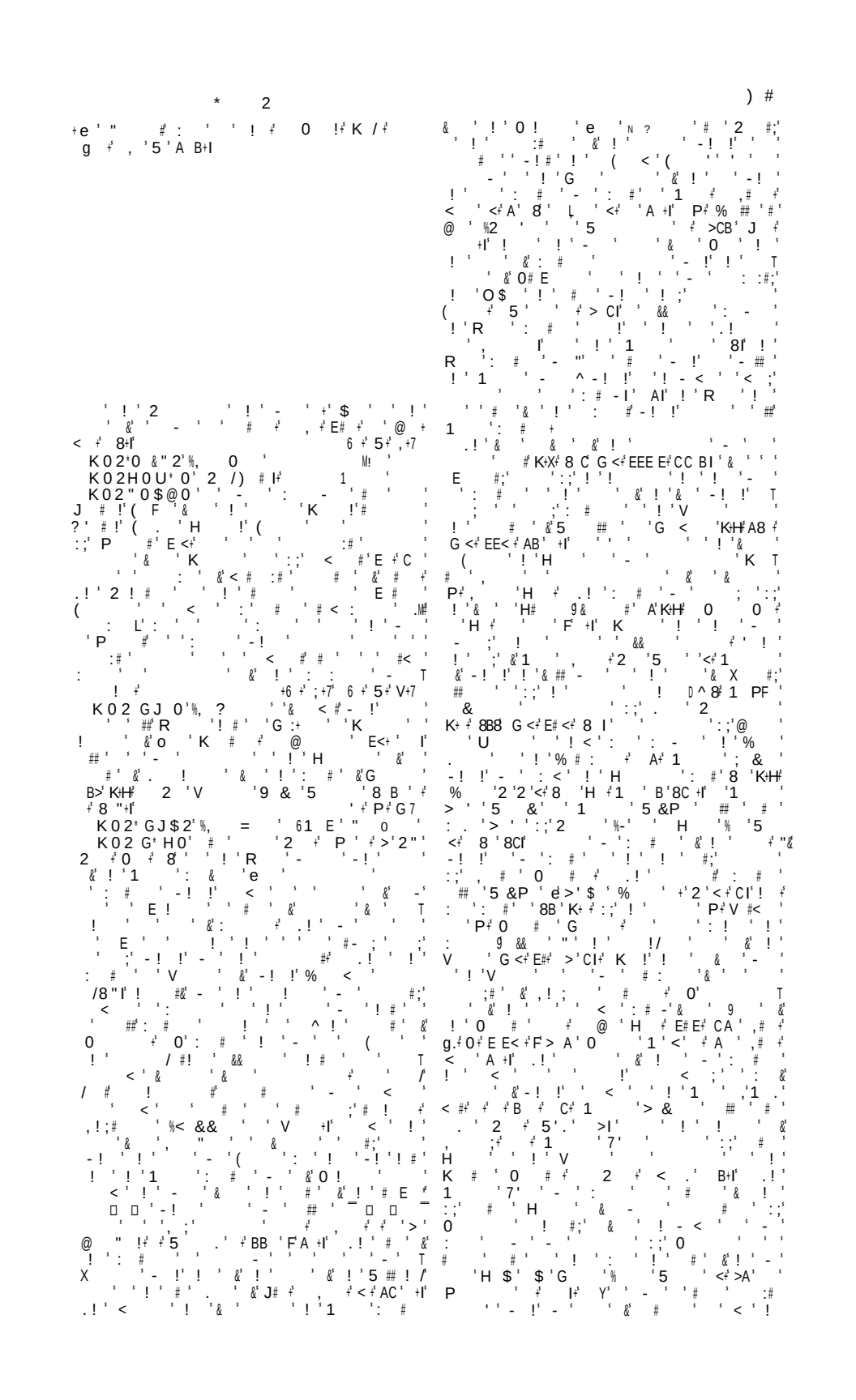
> "Ille cavis hausto spargit me pulvere palmis,
> Inque vicem fulvae tactu flavescit arenae."
> Ovid, *Met.* ix. 35.

(See also Salmas. *ad* Tertull. *Pall.* p. 217; and Mercurialis, *de Art. Gymn.* i. 8.) The inferior quality of the ornaments which these apartments have had, and the staircases in two of them, afford evidence that they were occupied by menials. T is considered to be the *tepidarium*, with four warm baths (U, U, U, U) taken out of its four angles, and two *labra* on its two flanks. There are steps for descending into the baths, in one of which traces of the conduit are still manifest. Thus it would appear that the centre part of this apartment served as a *tepidarium*, having a *balneum* or *calda lavatio* in four of its corners. The centre part, like that also of the preceding apartment, is supported by eight immense columns. This *tepidarium* was a splendid room, 170 feet long by 82 feet wide. It is restored in the above cut from existing indications. "It had a groined roof springing from immense columns of granite and porphyry, each surmounted by a short piece of entablature, which merely returns round the capital of the column in the debased fashion of the second and third centuries. The smaller columns on each side were set in front of the recesses containing the warm baths." (Middleton, p. 361.)









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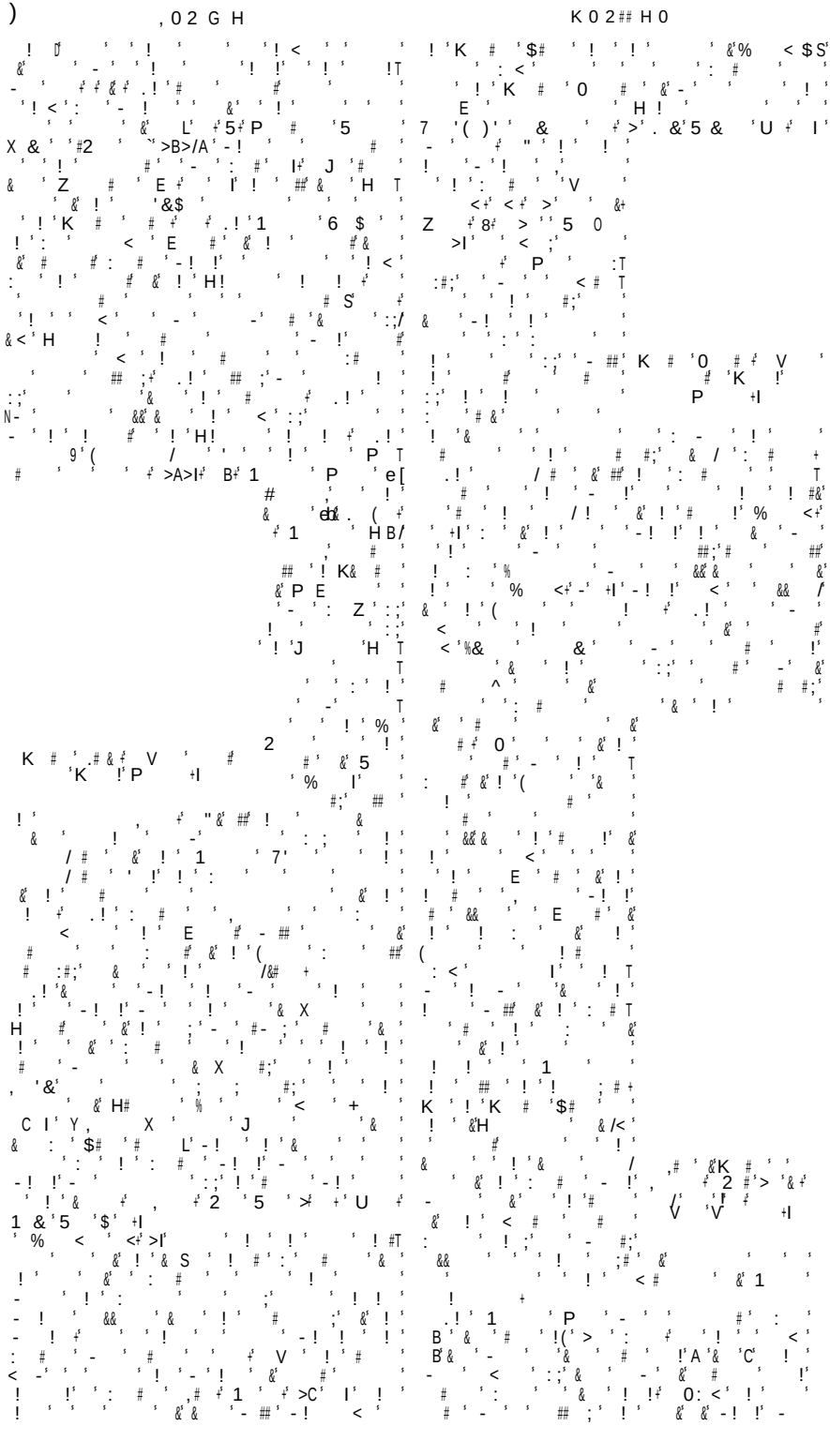

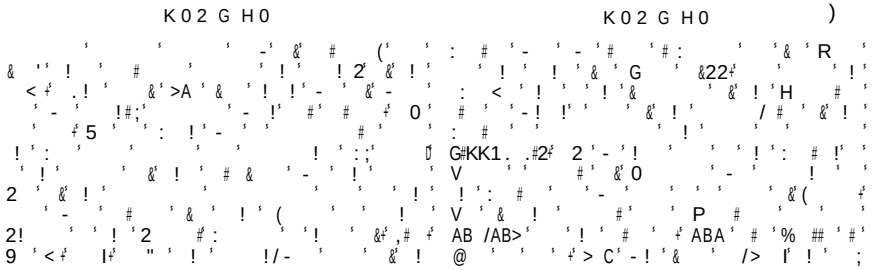

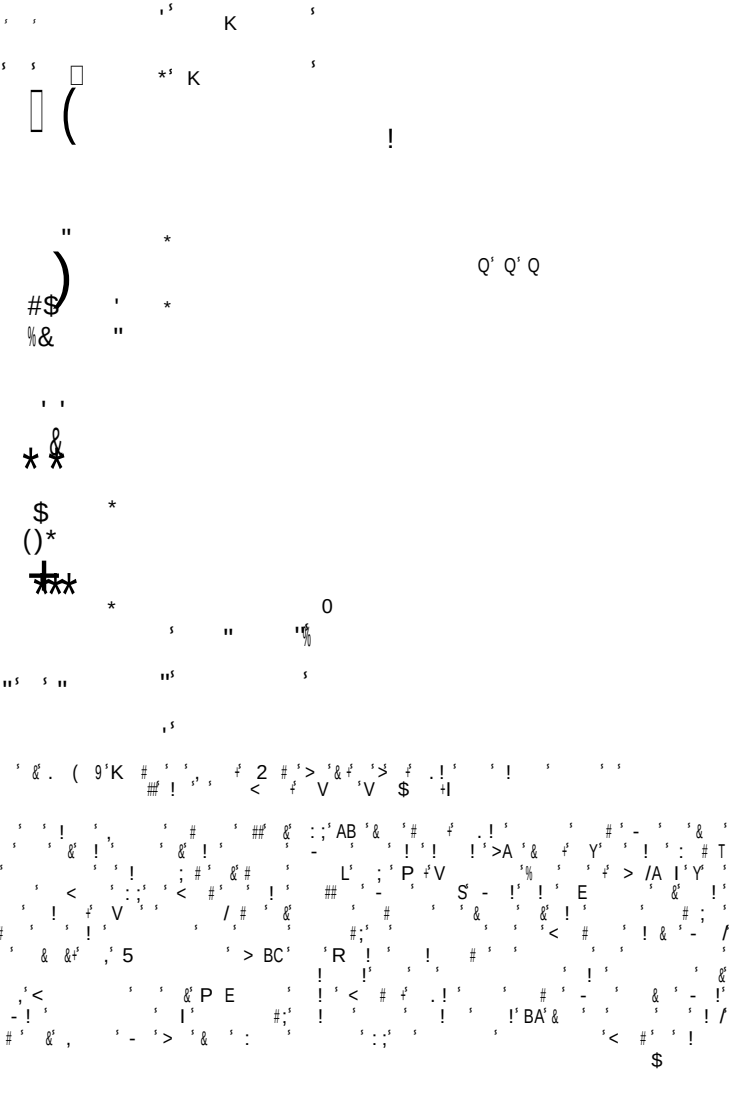

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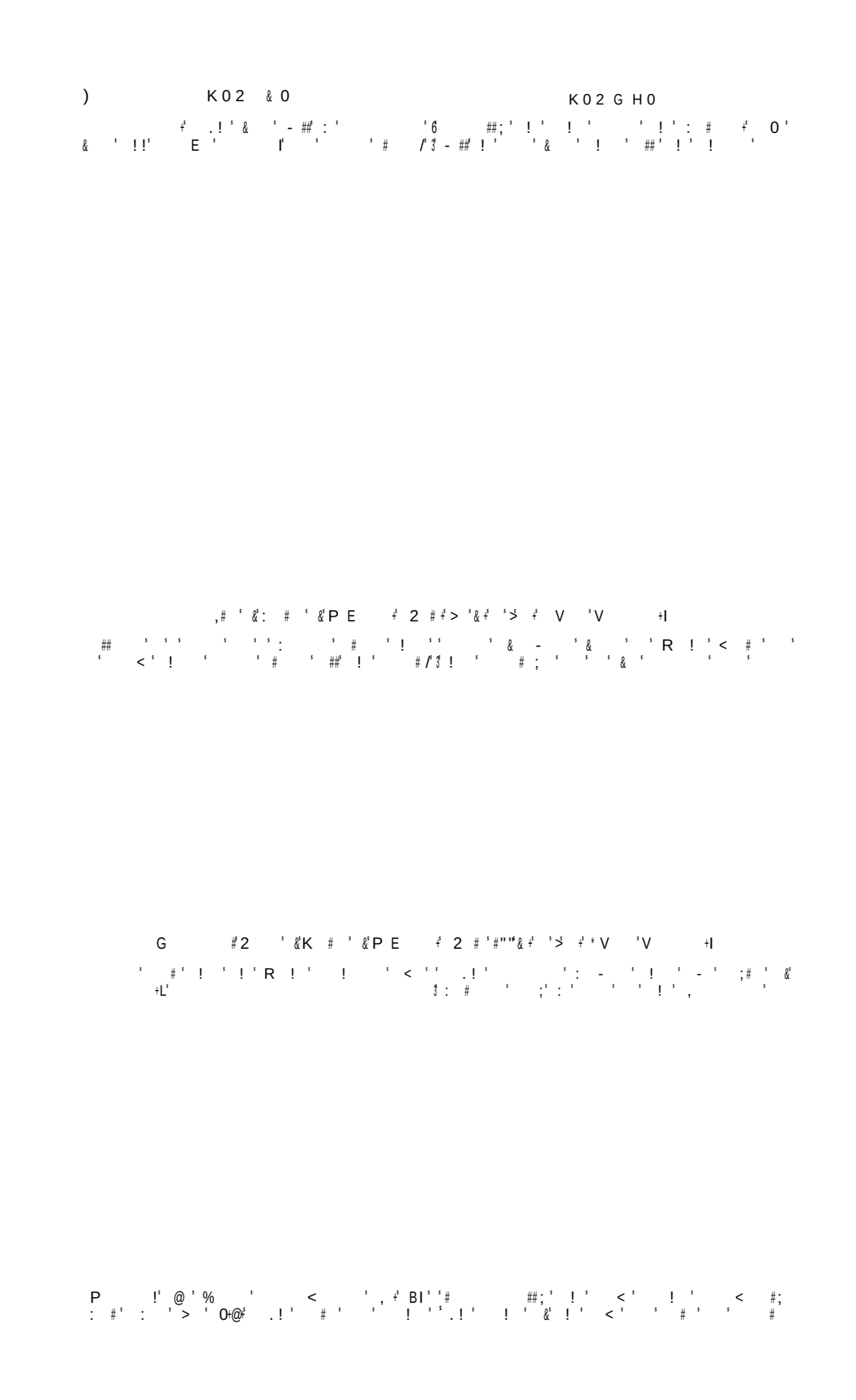

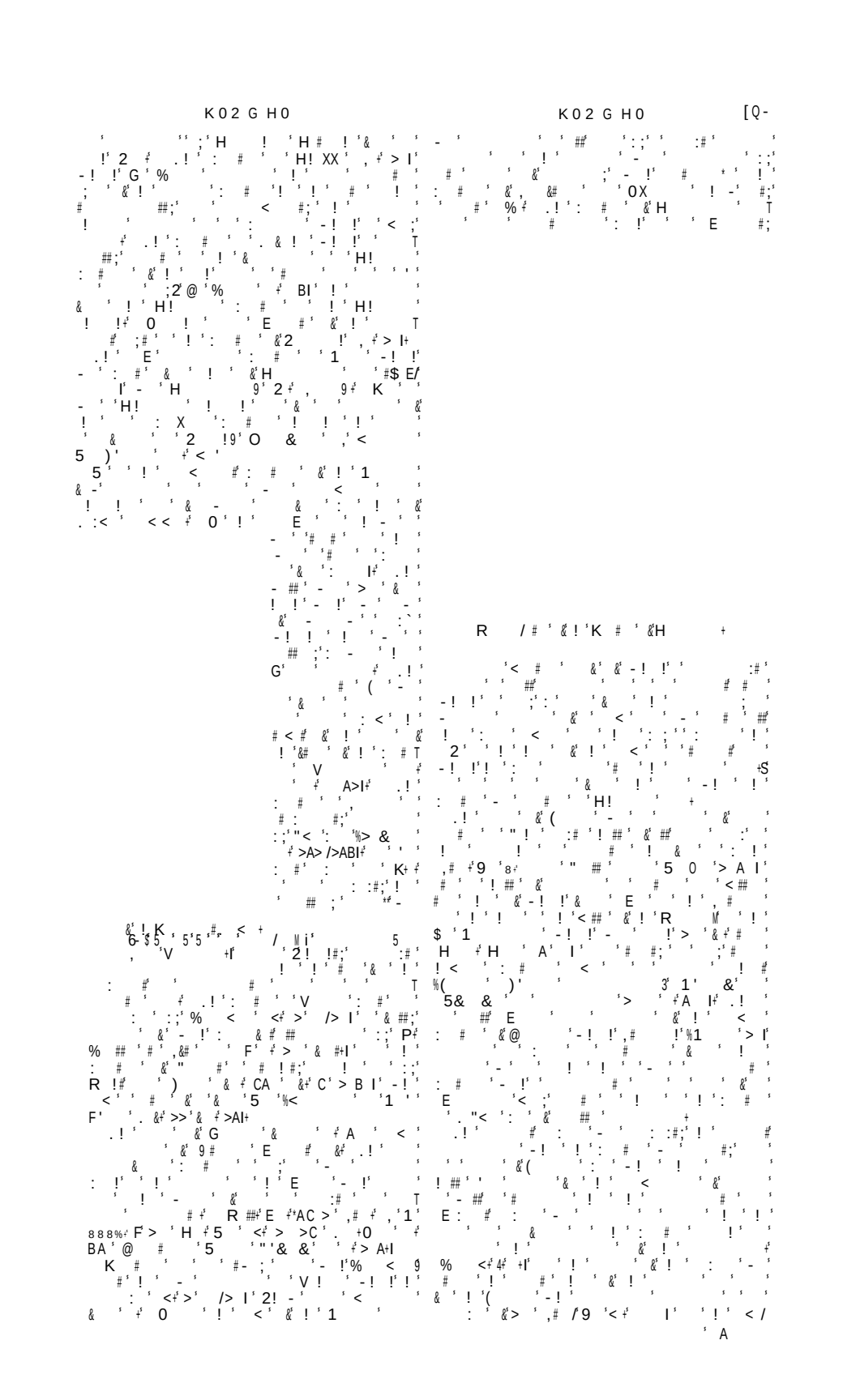

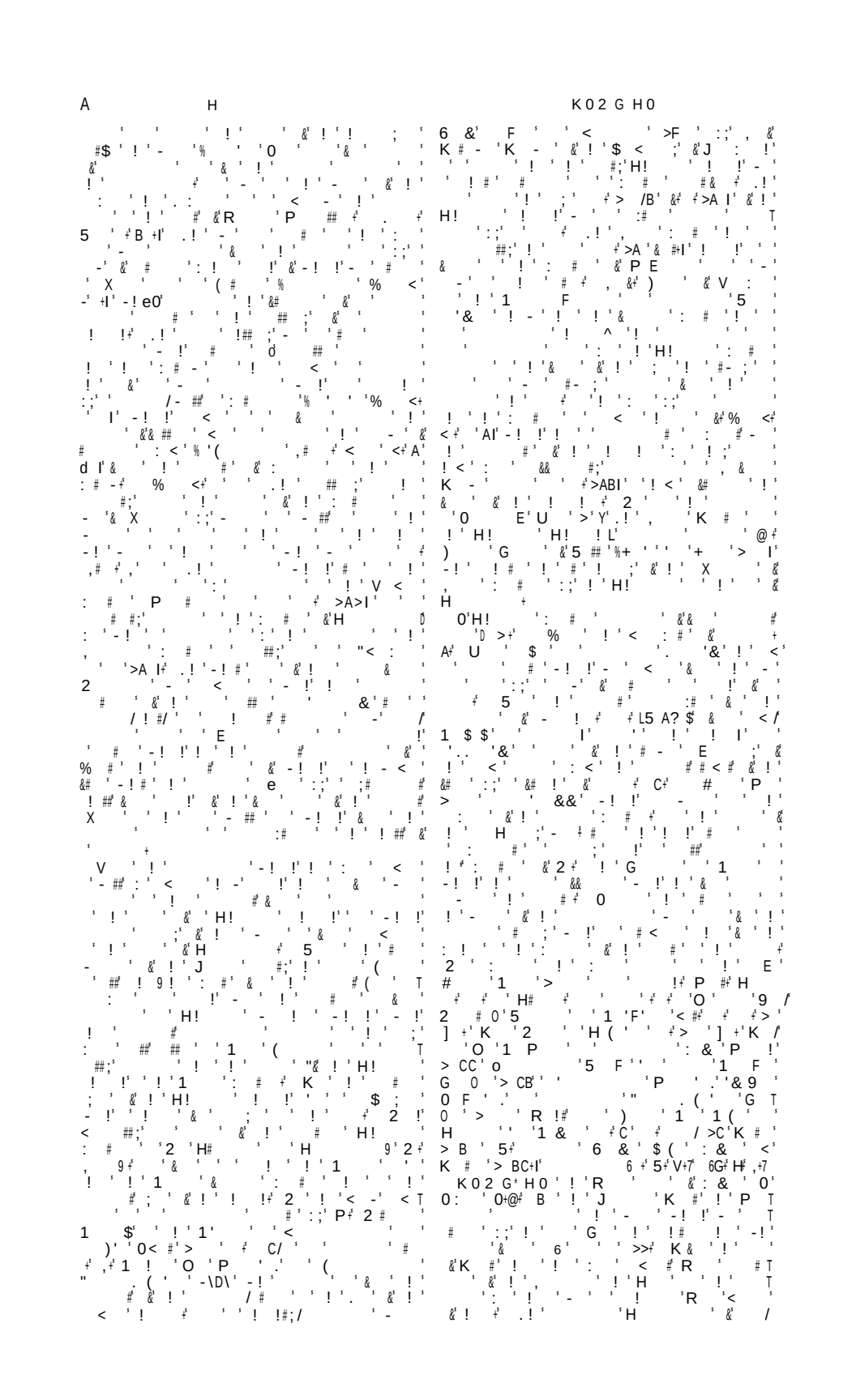

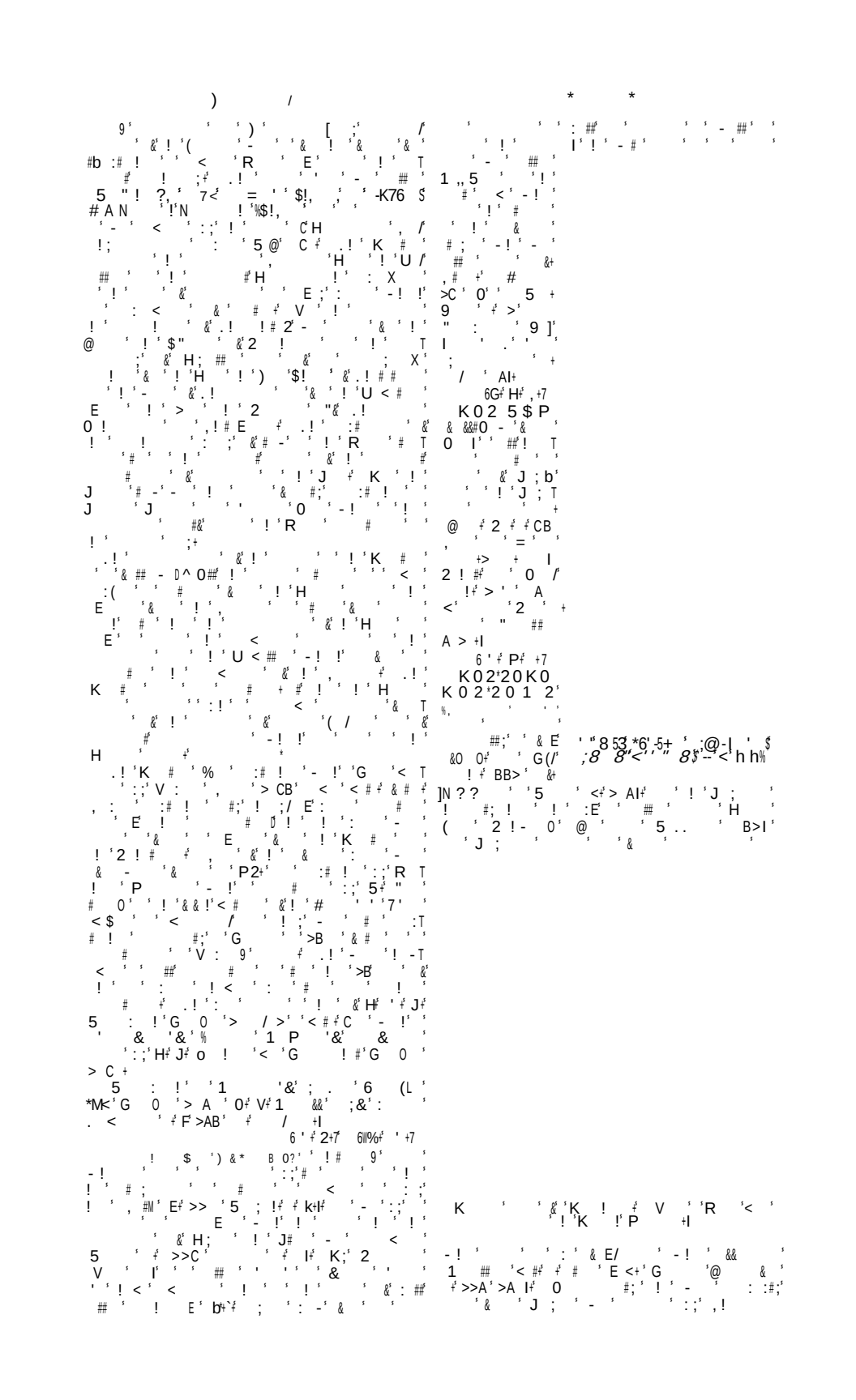

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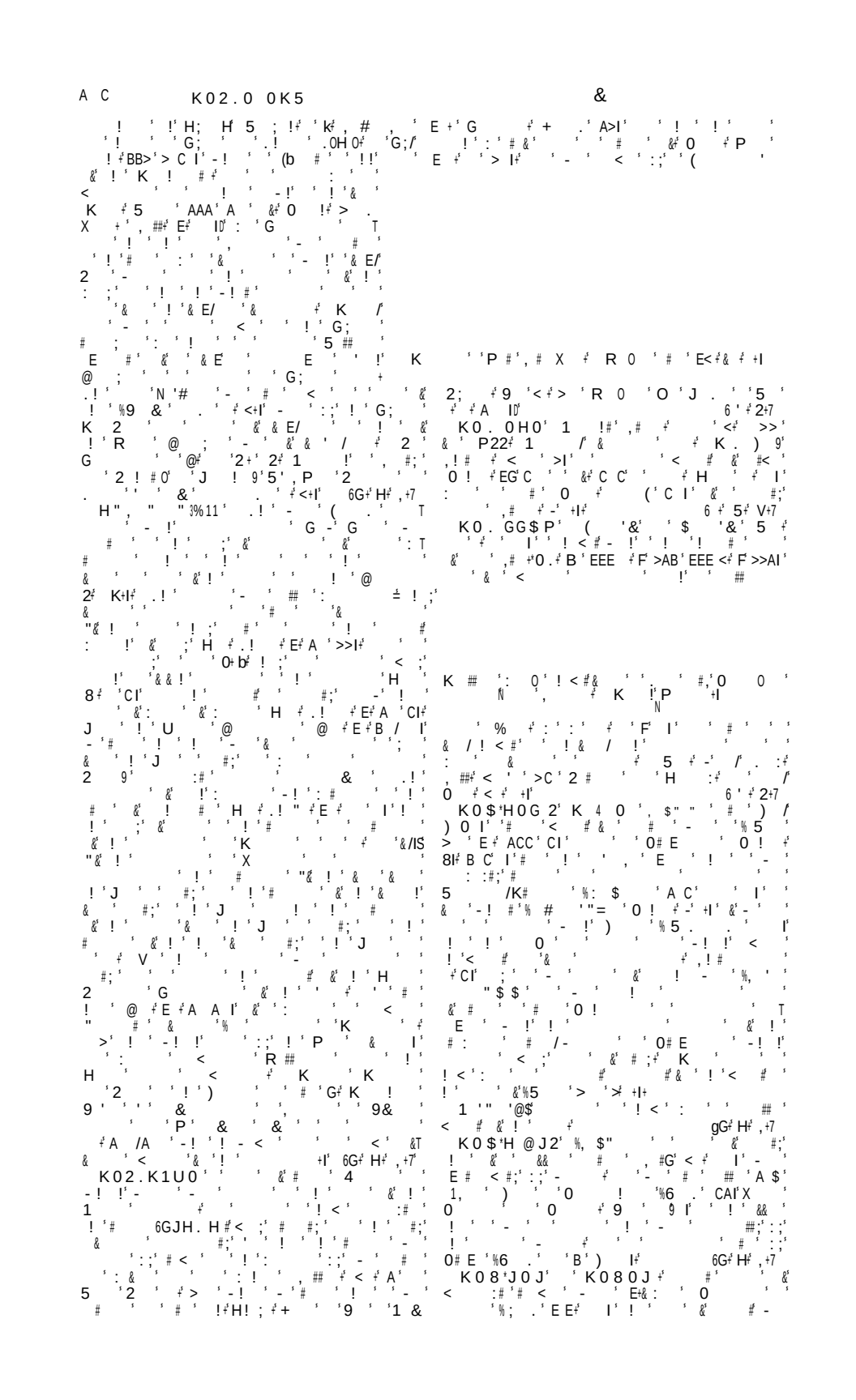

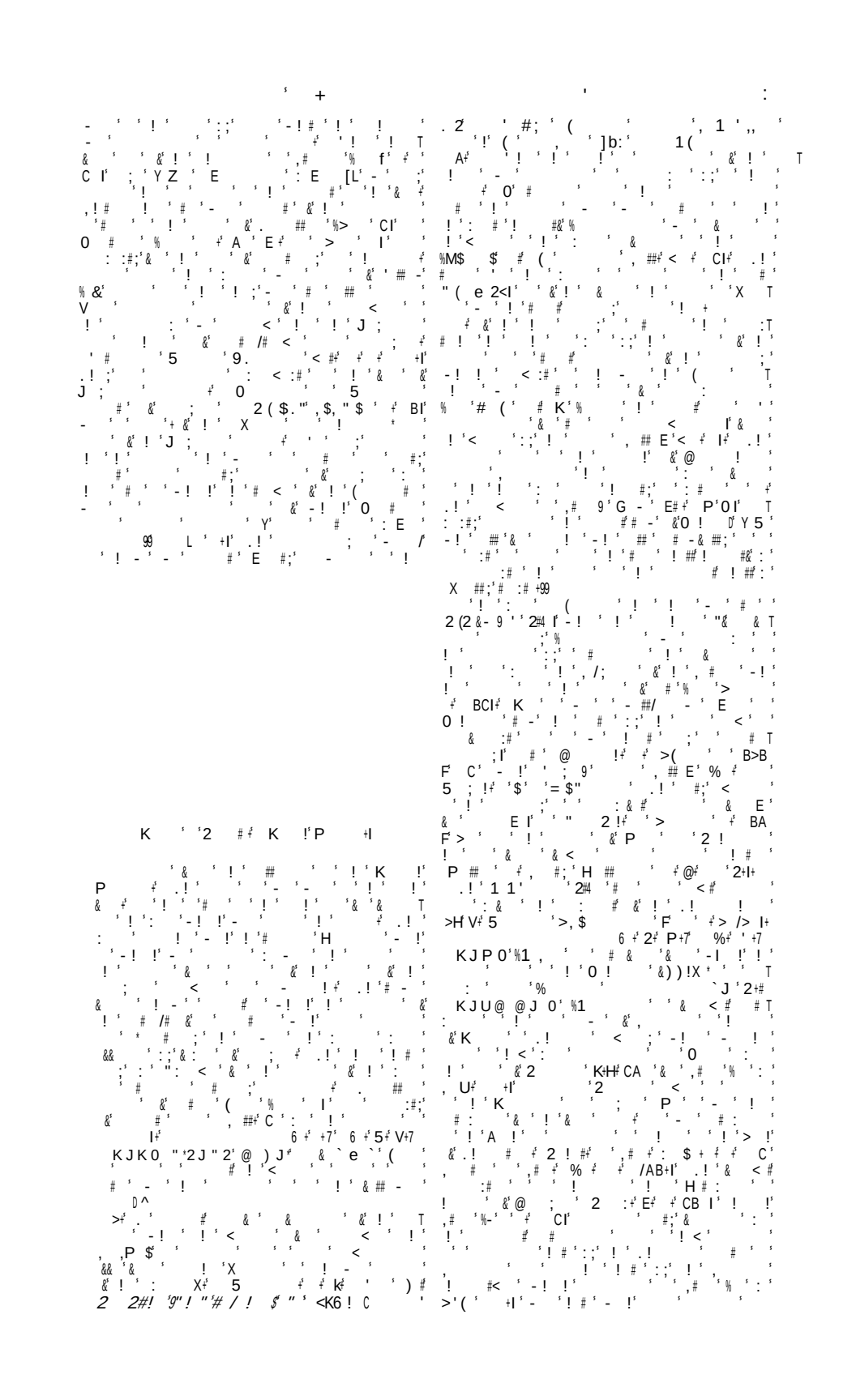

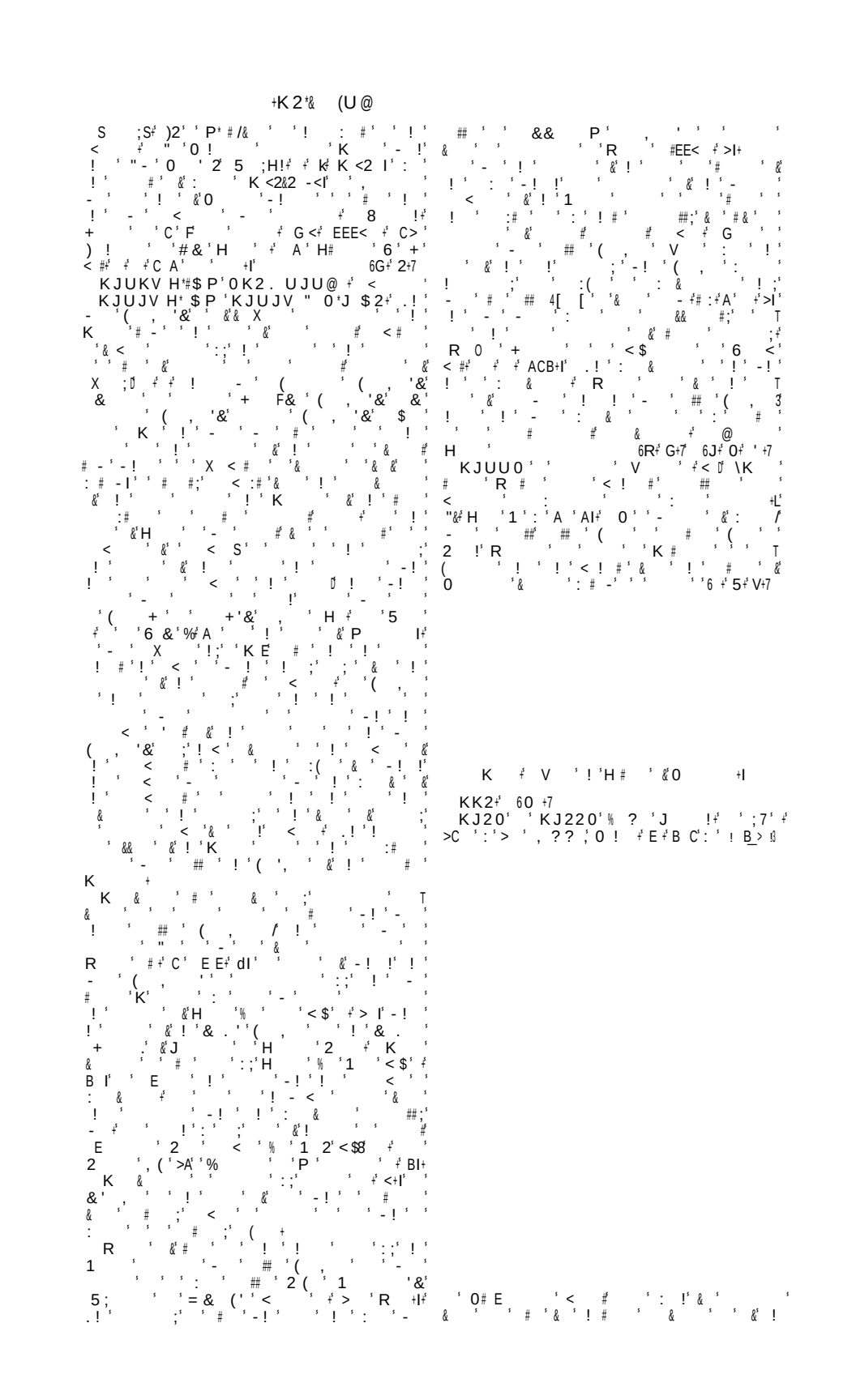

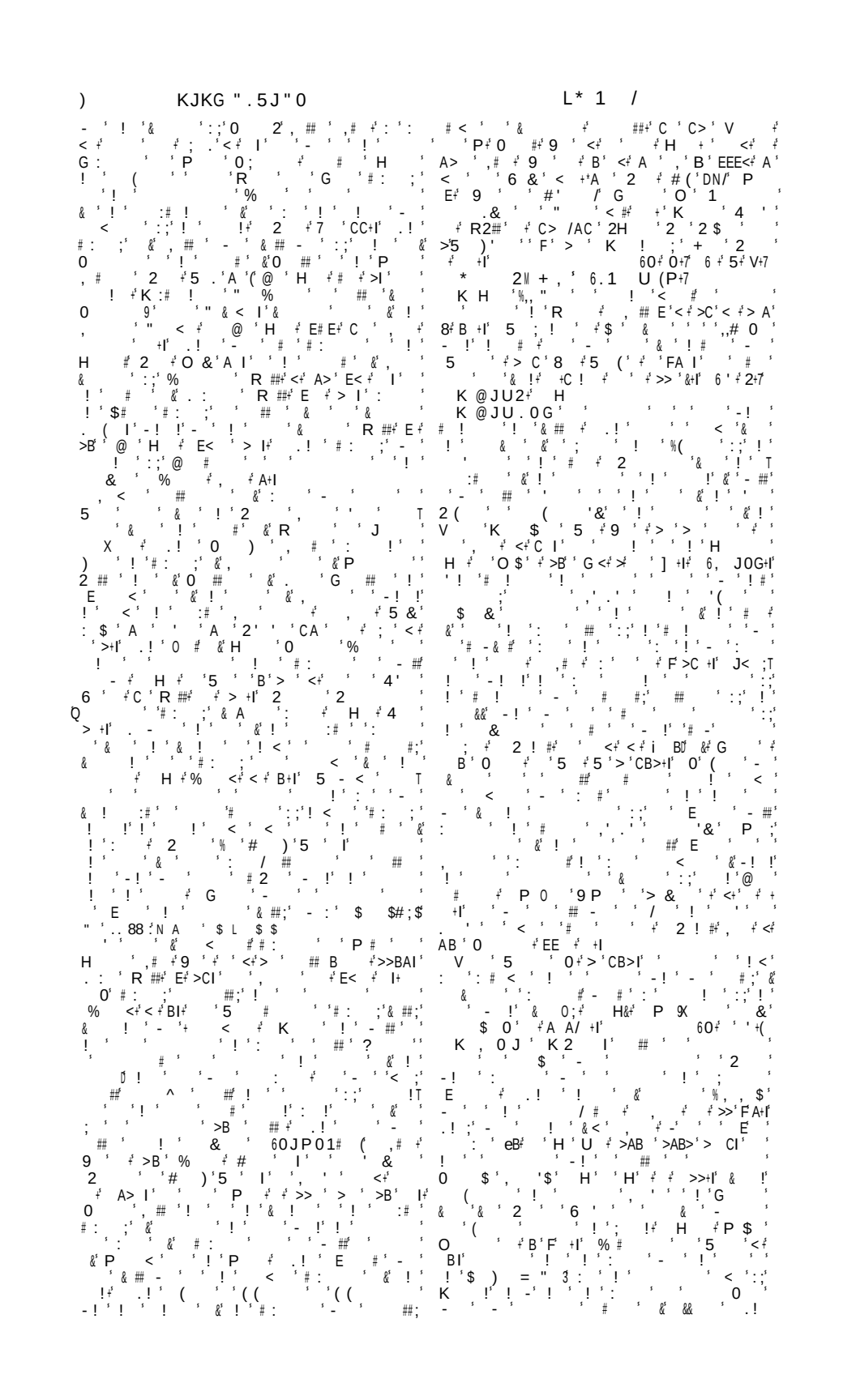

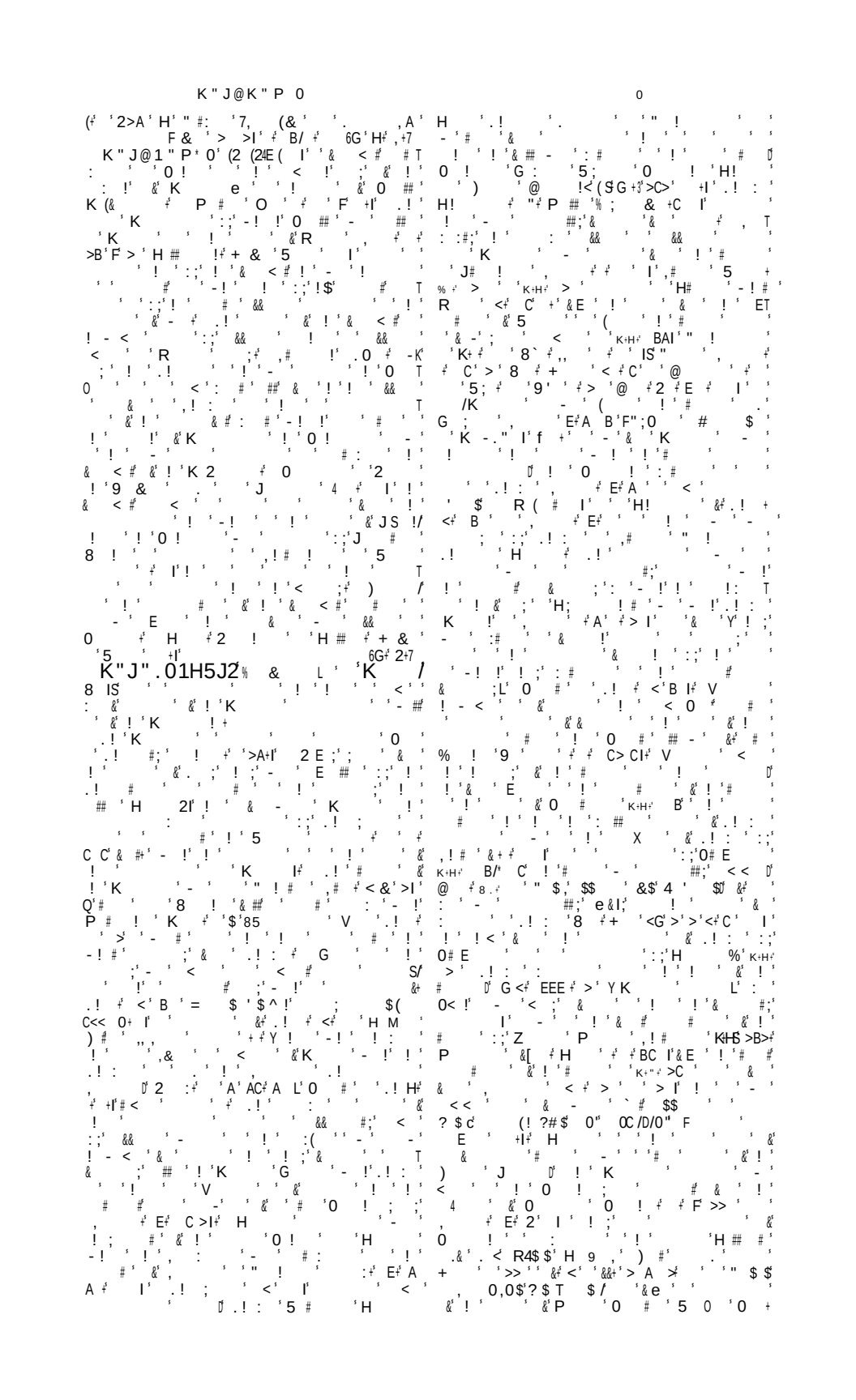

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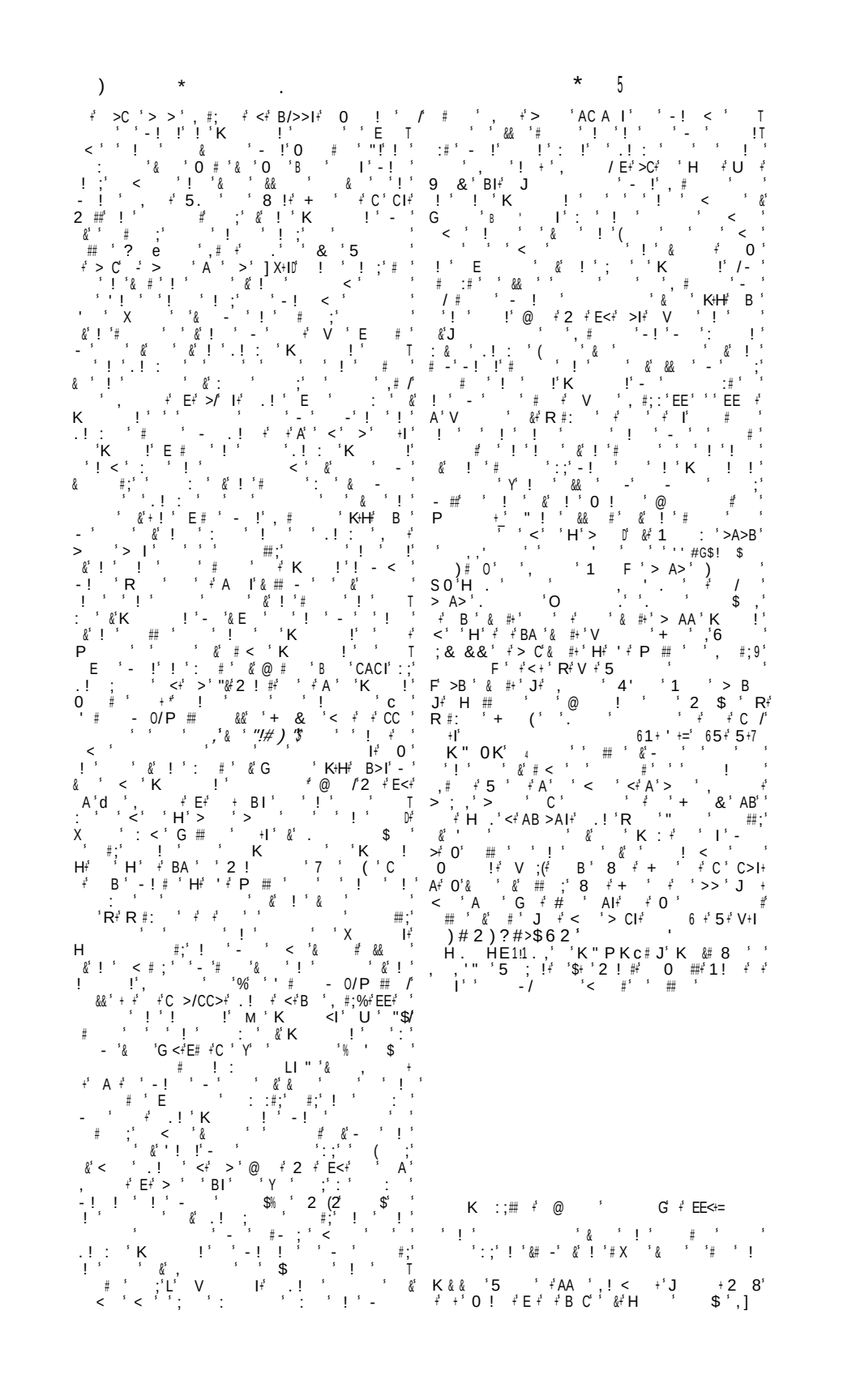

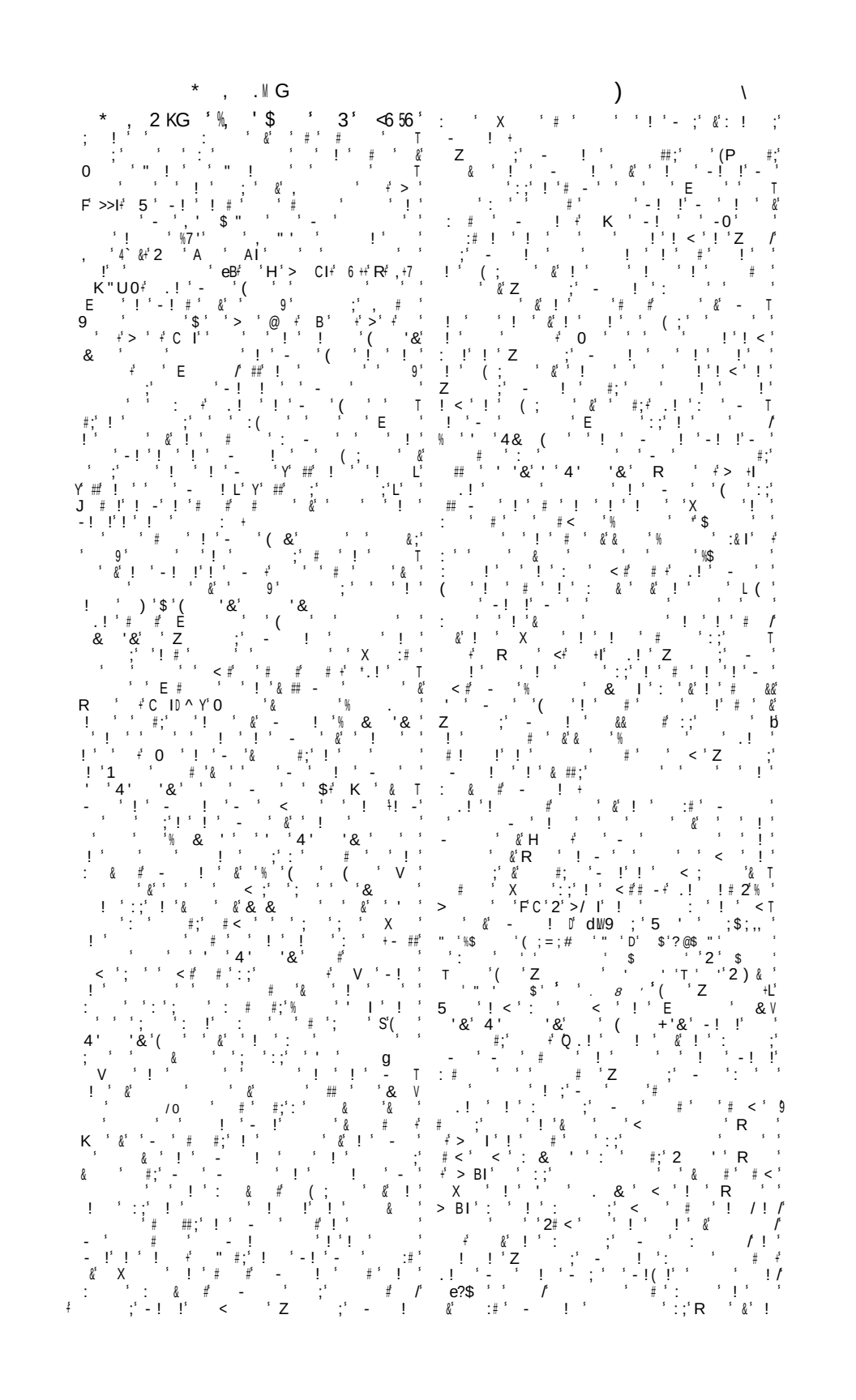

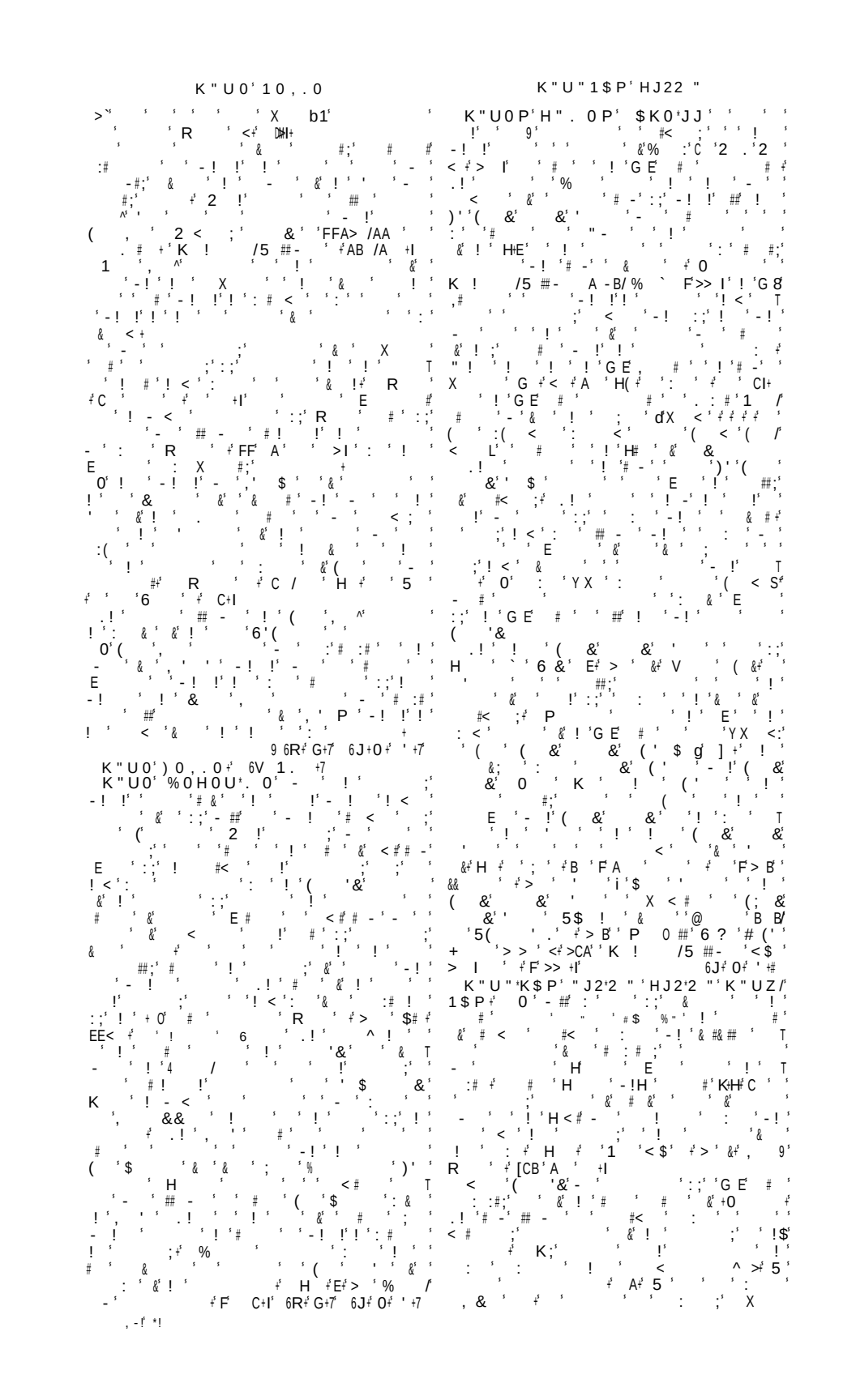

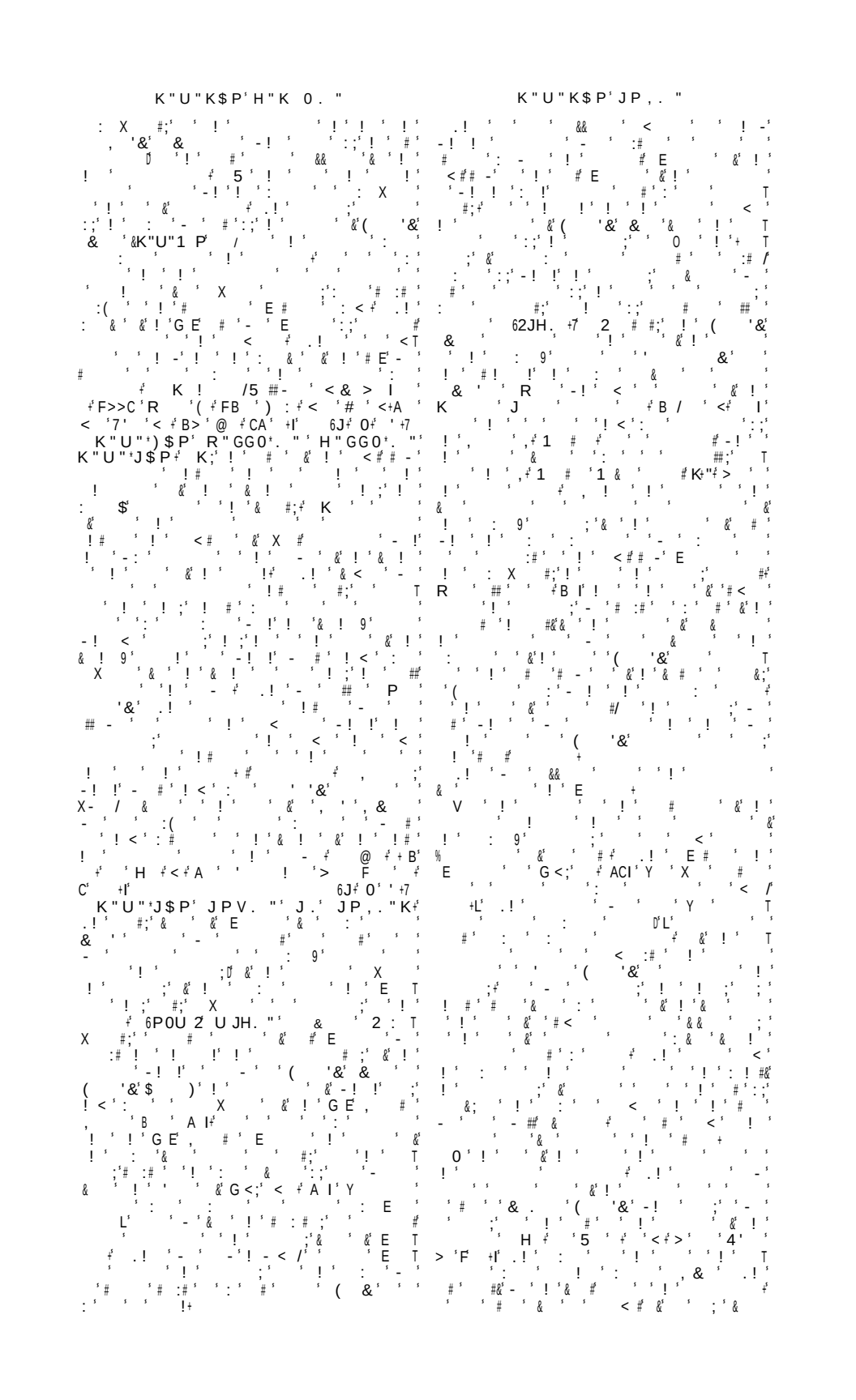

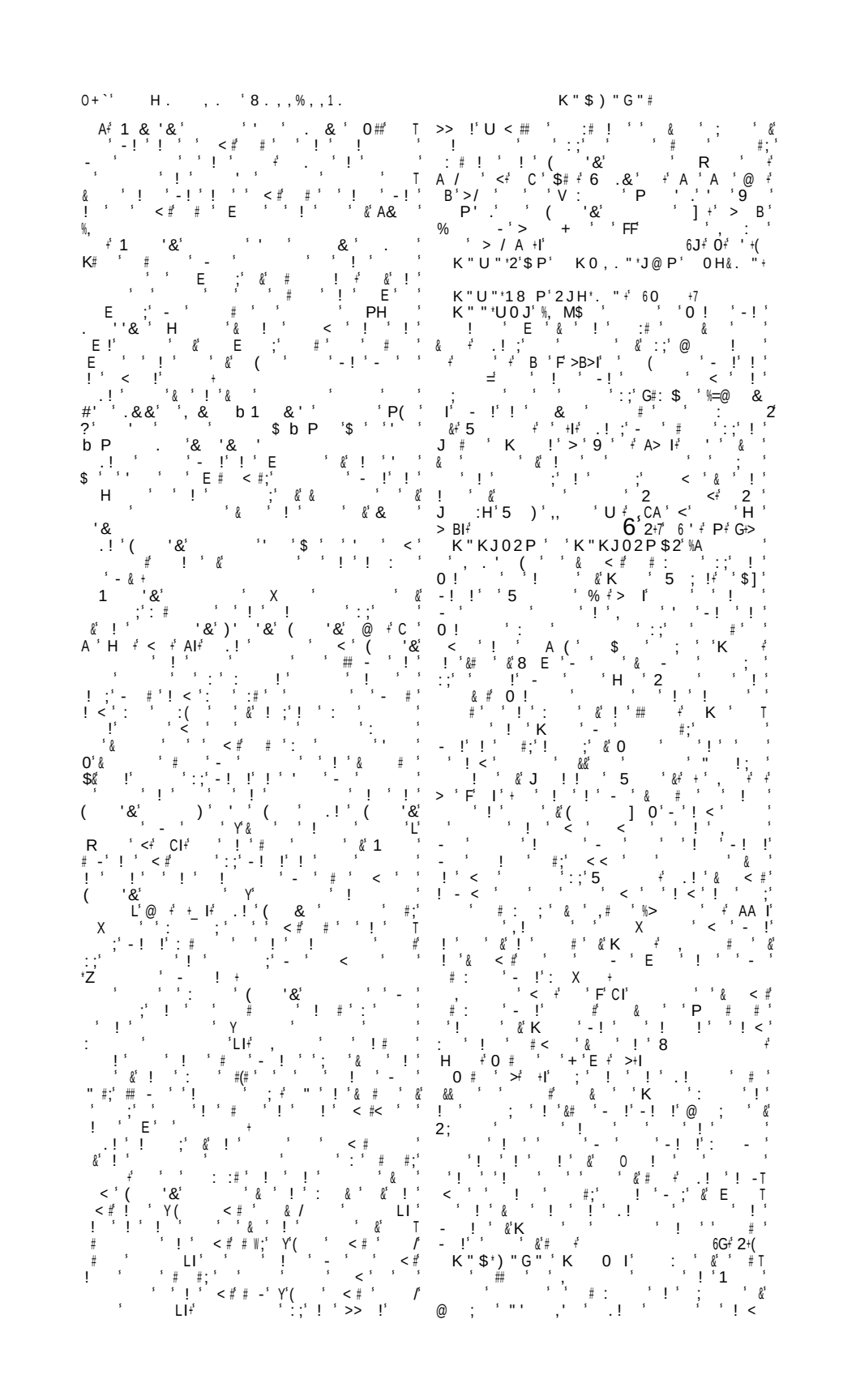

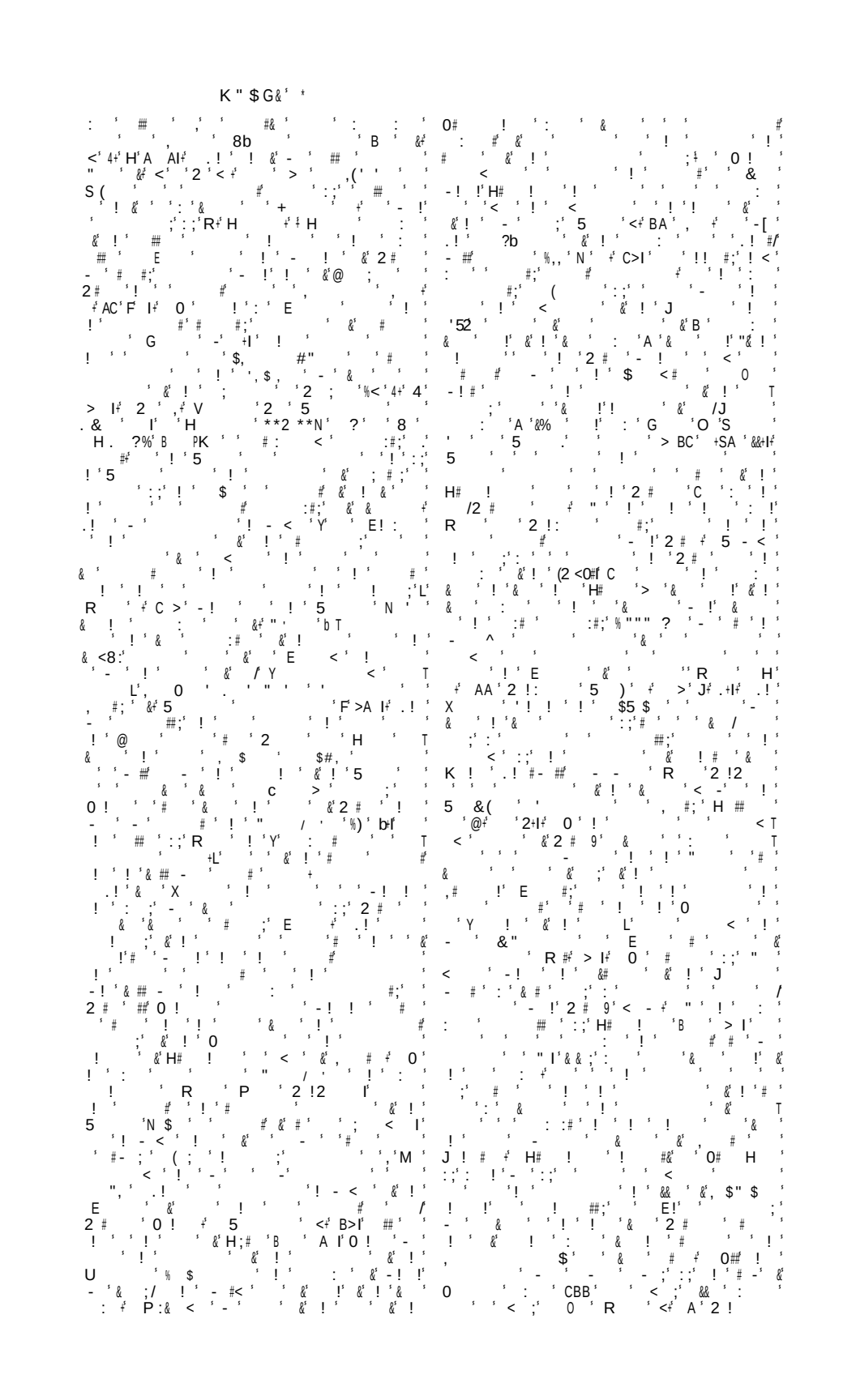

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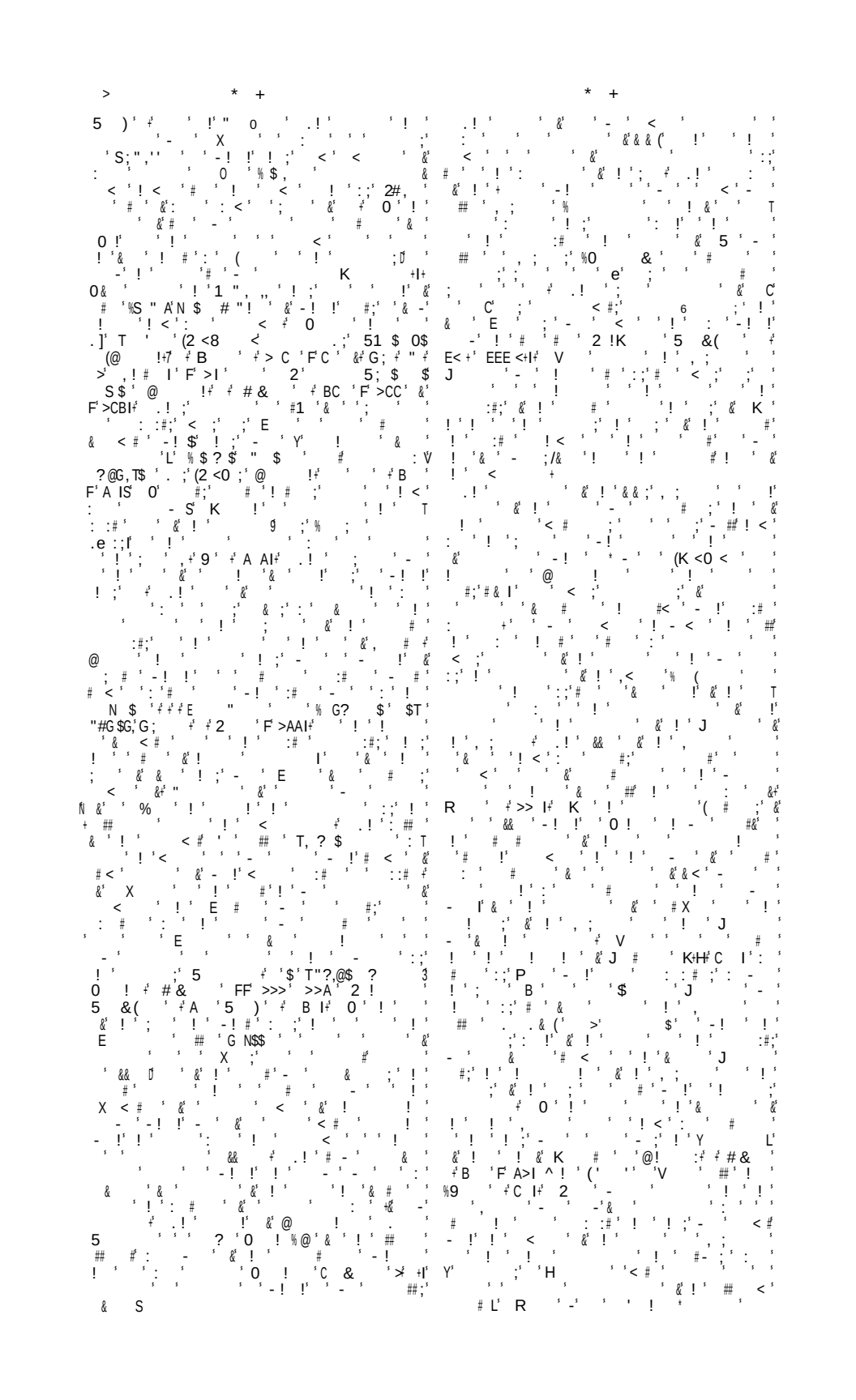

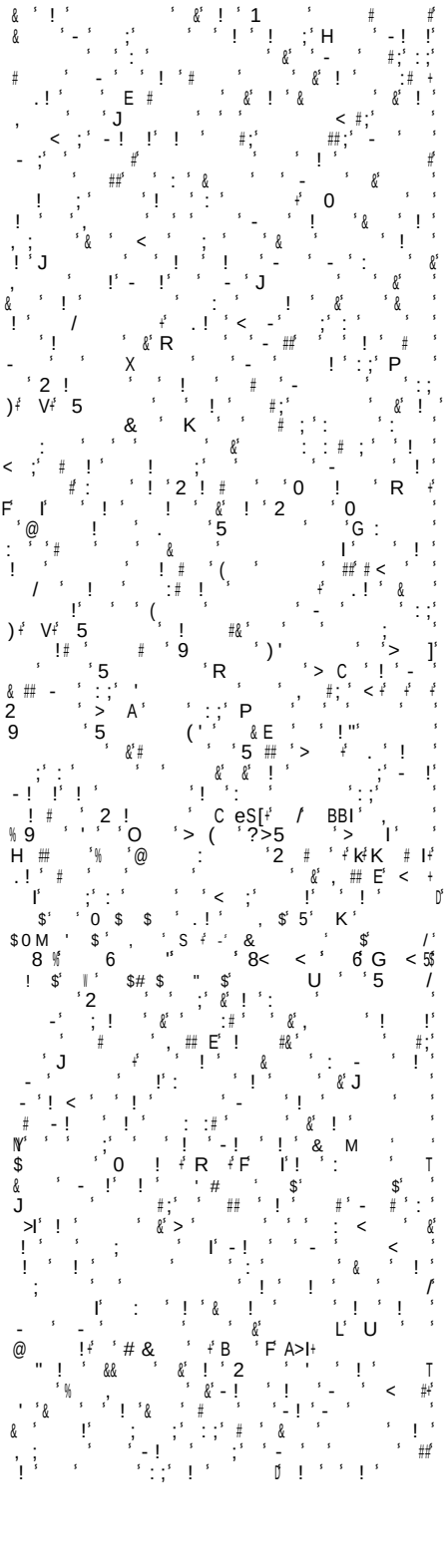

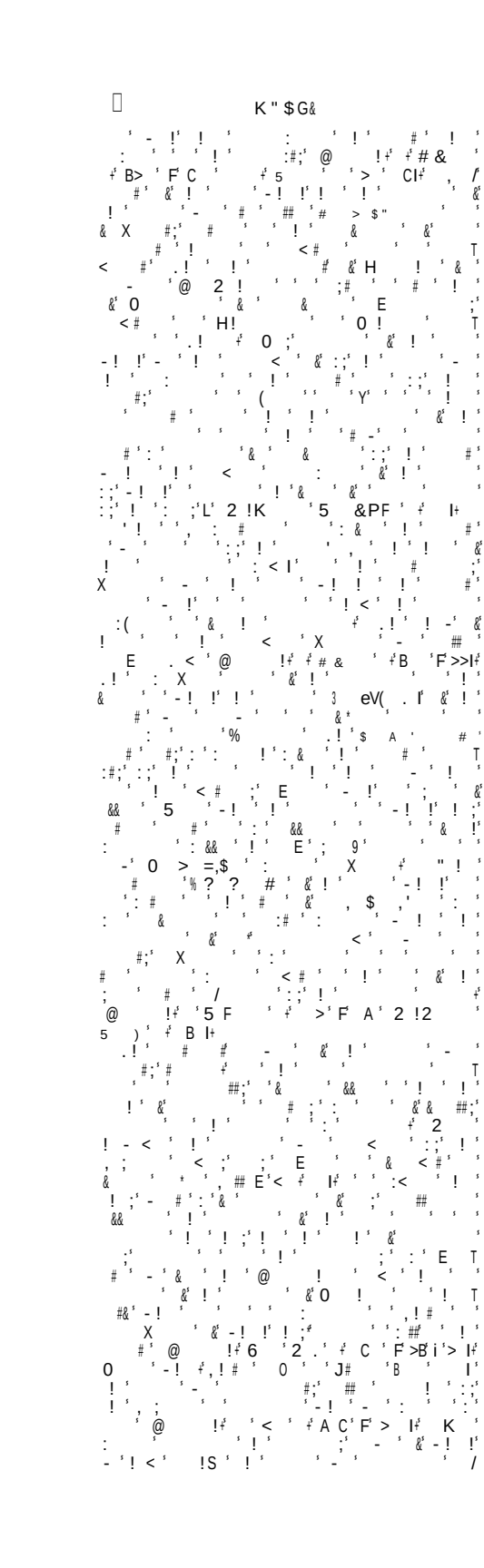

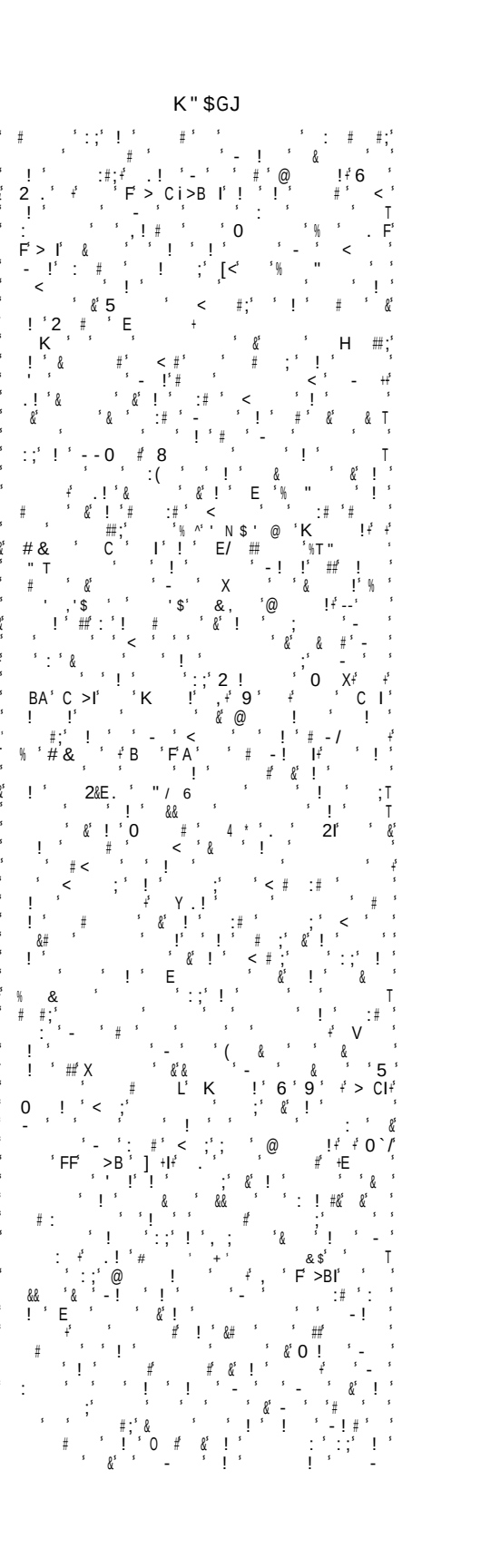

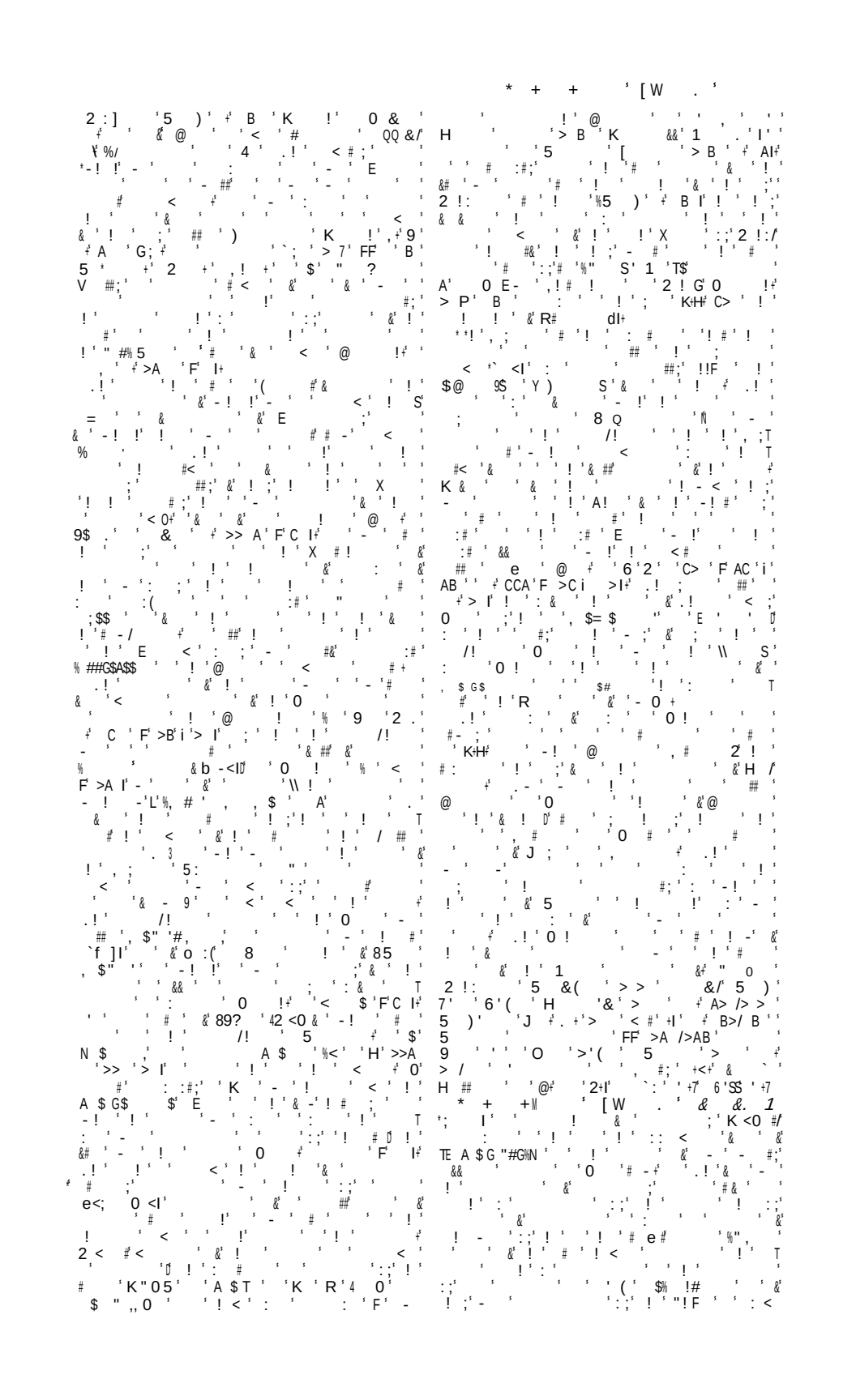

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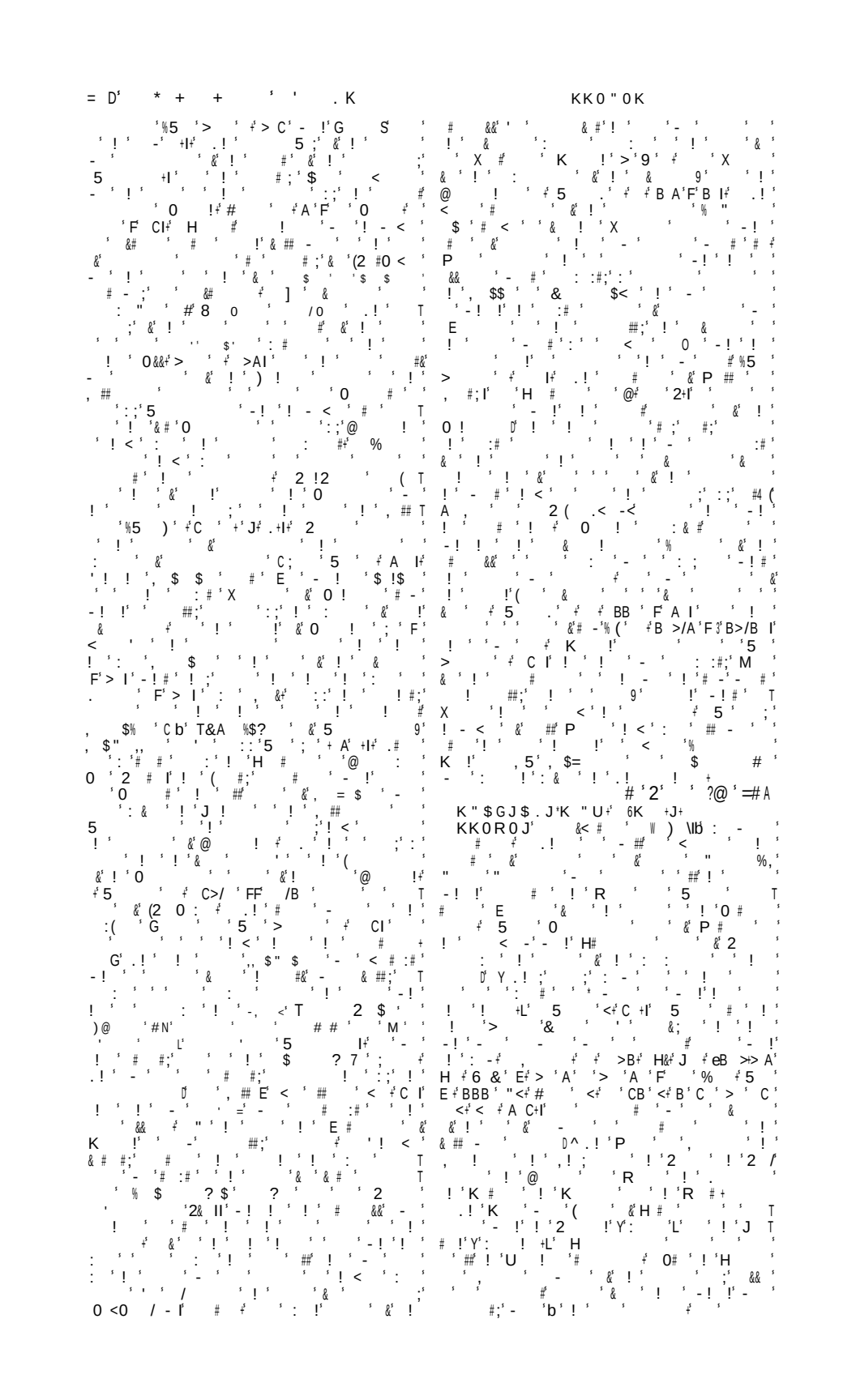

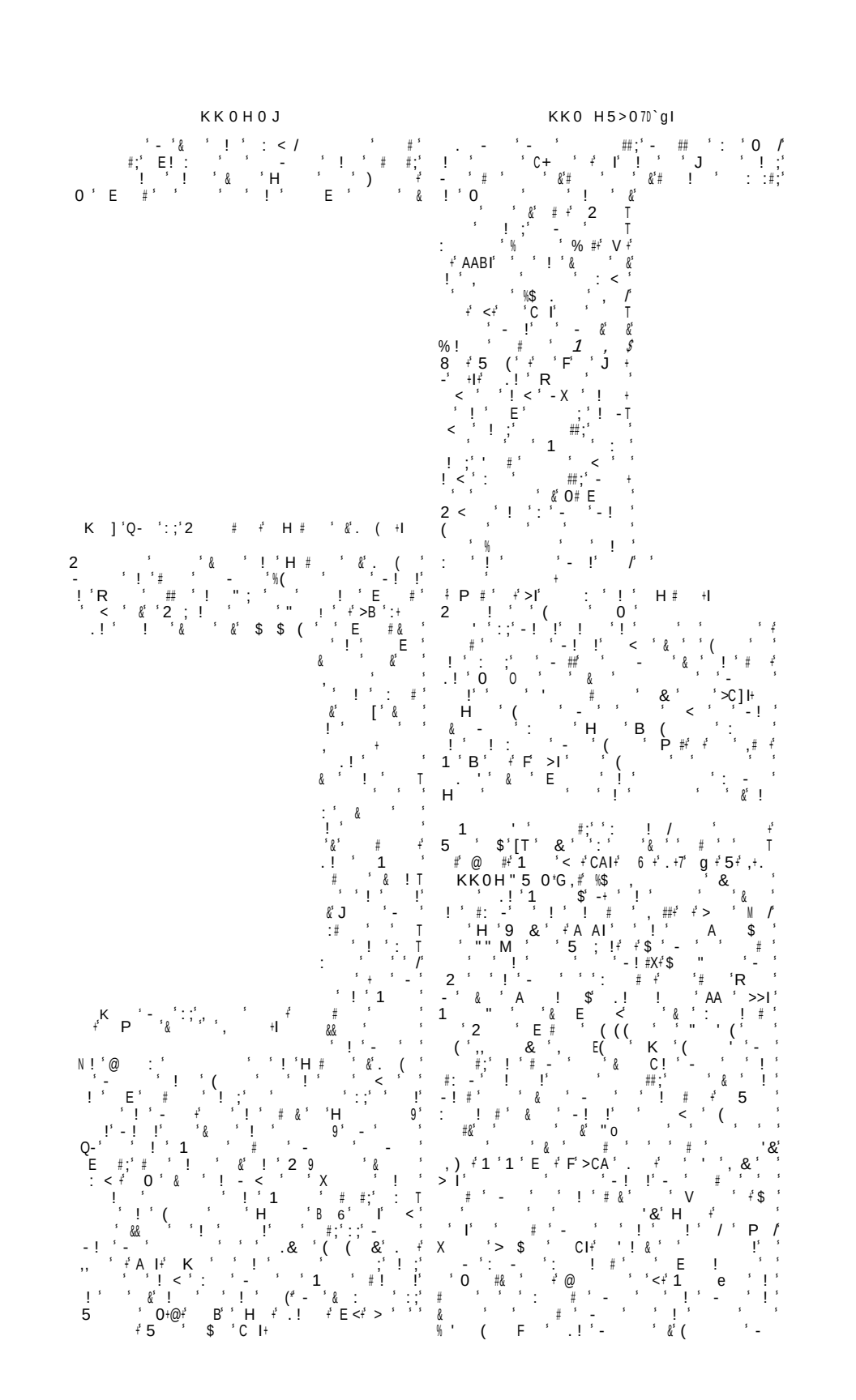

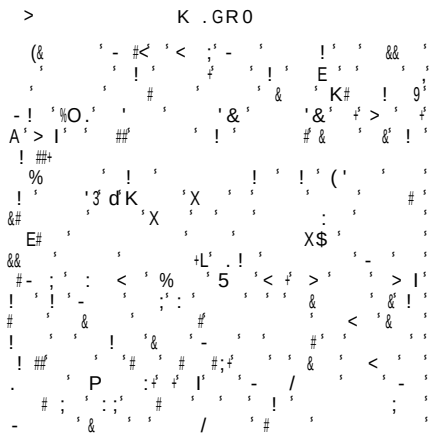

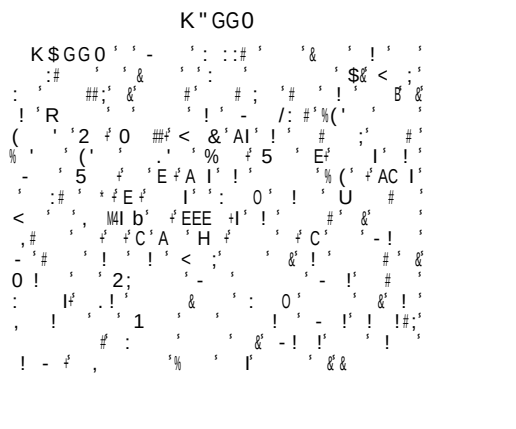

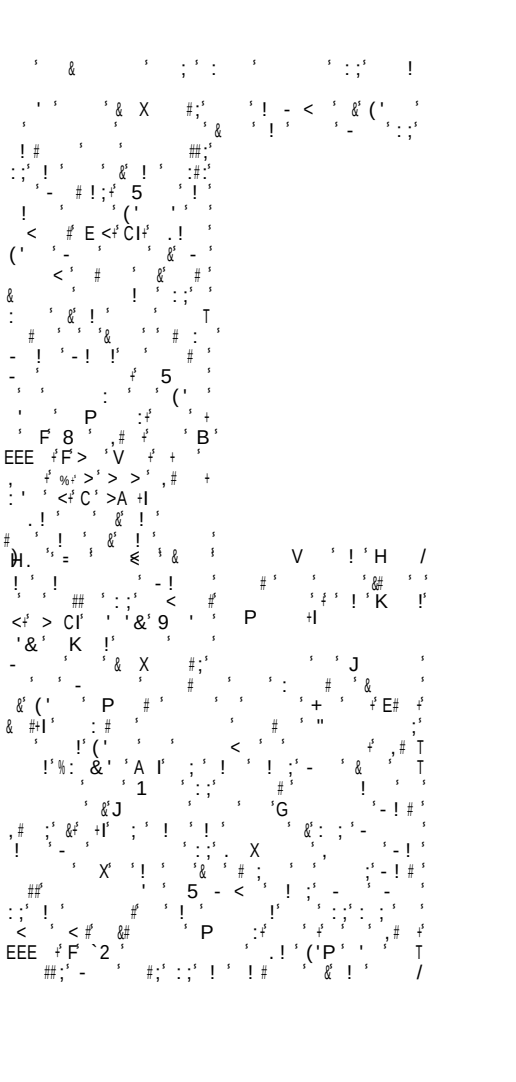

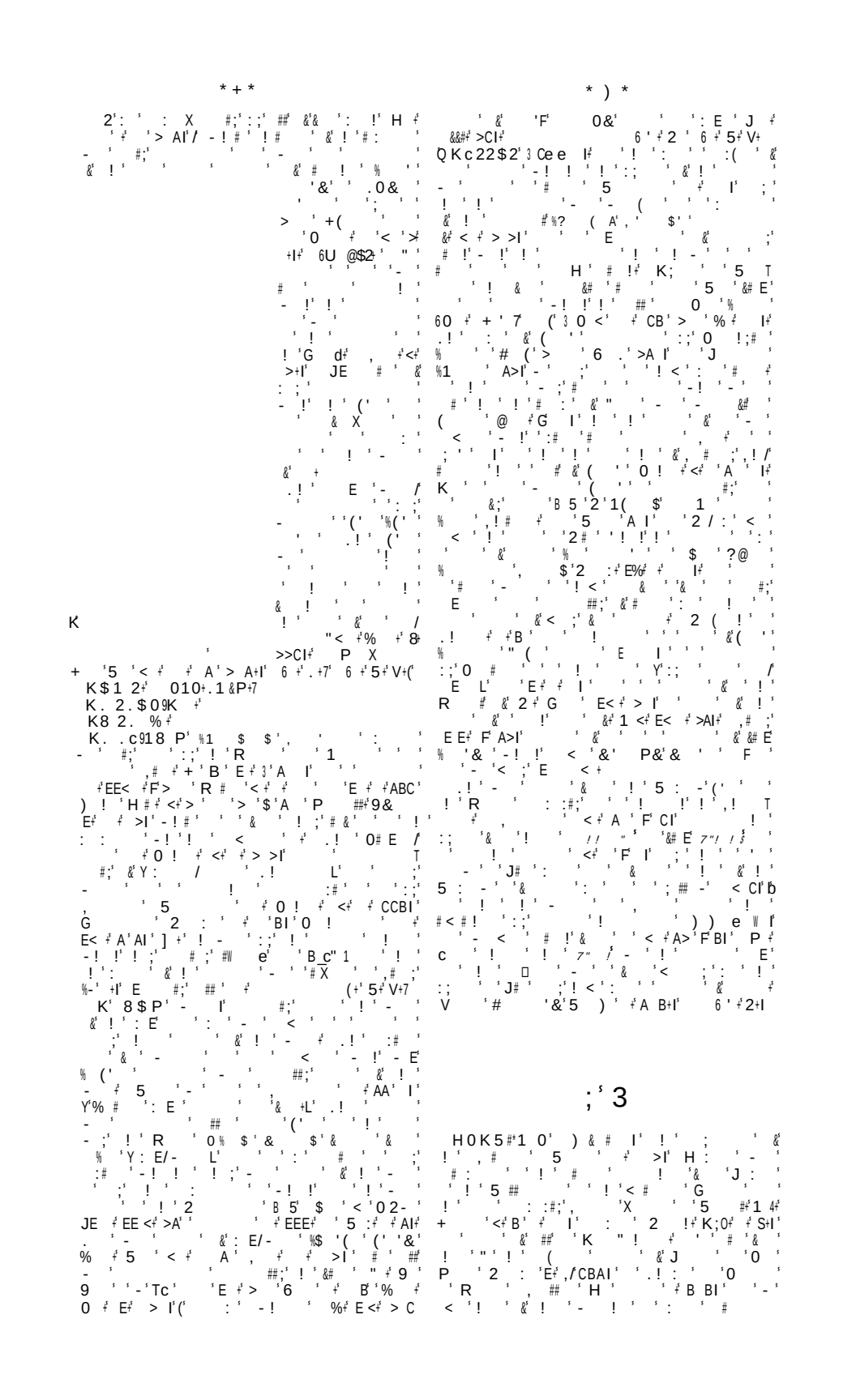

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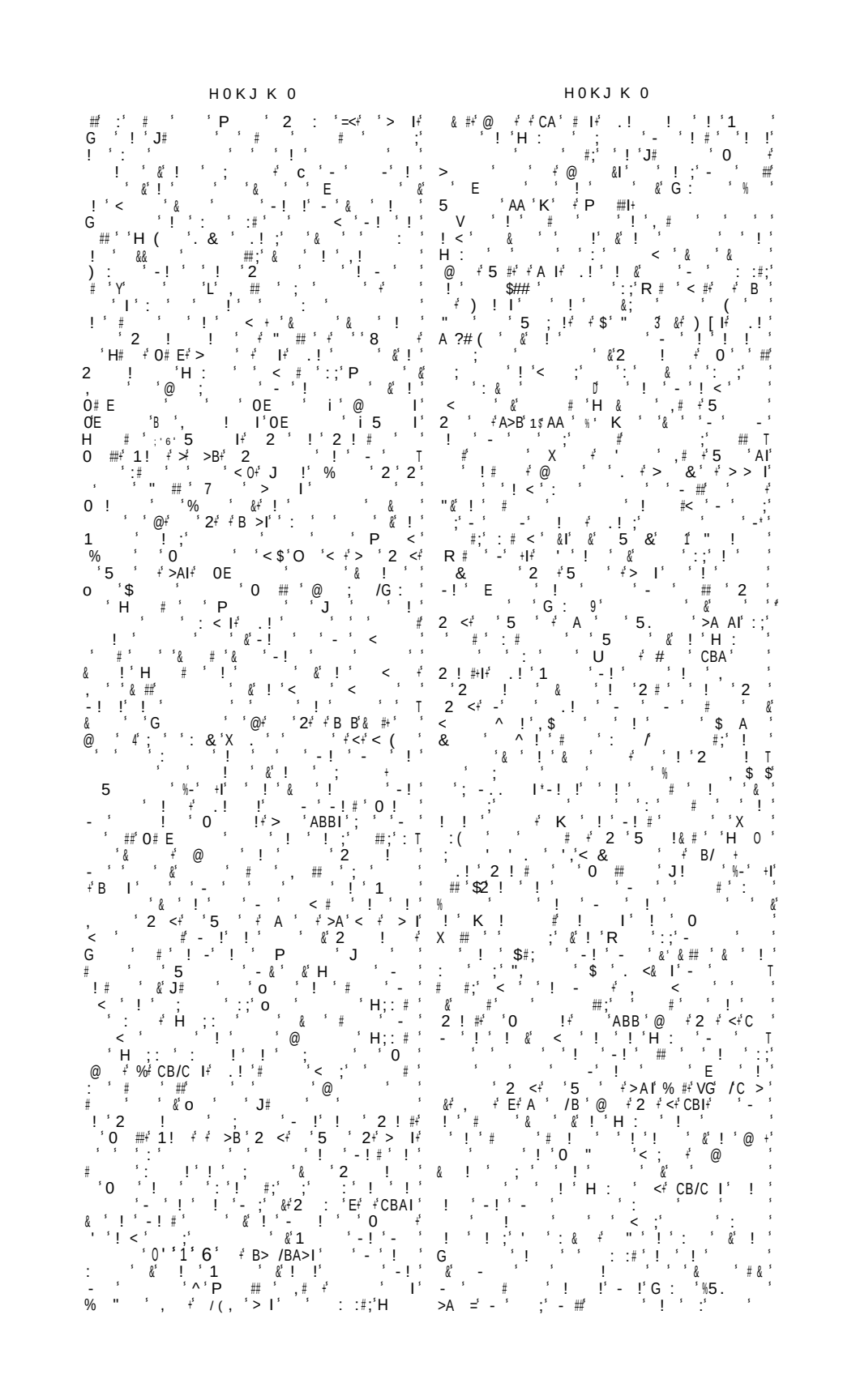

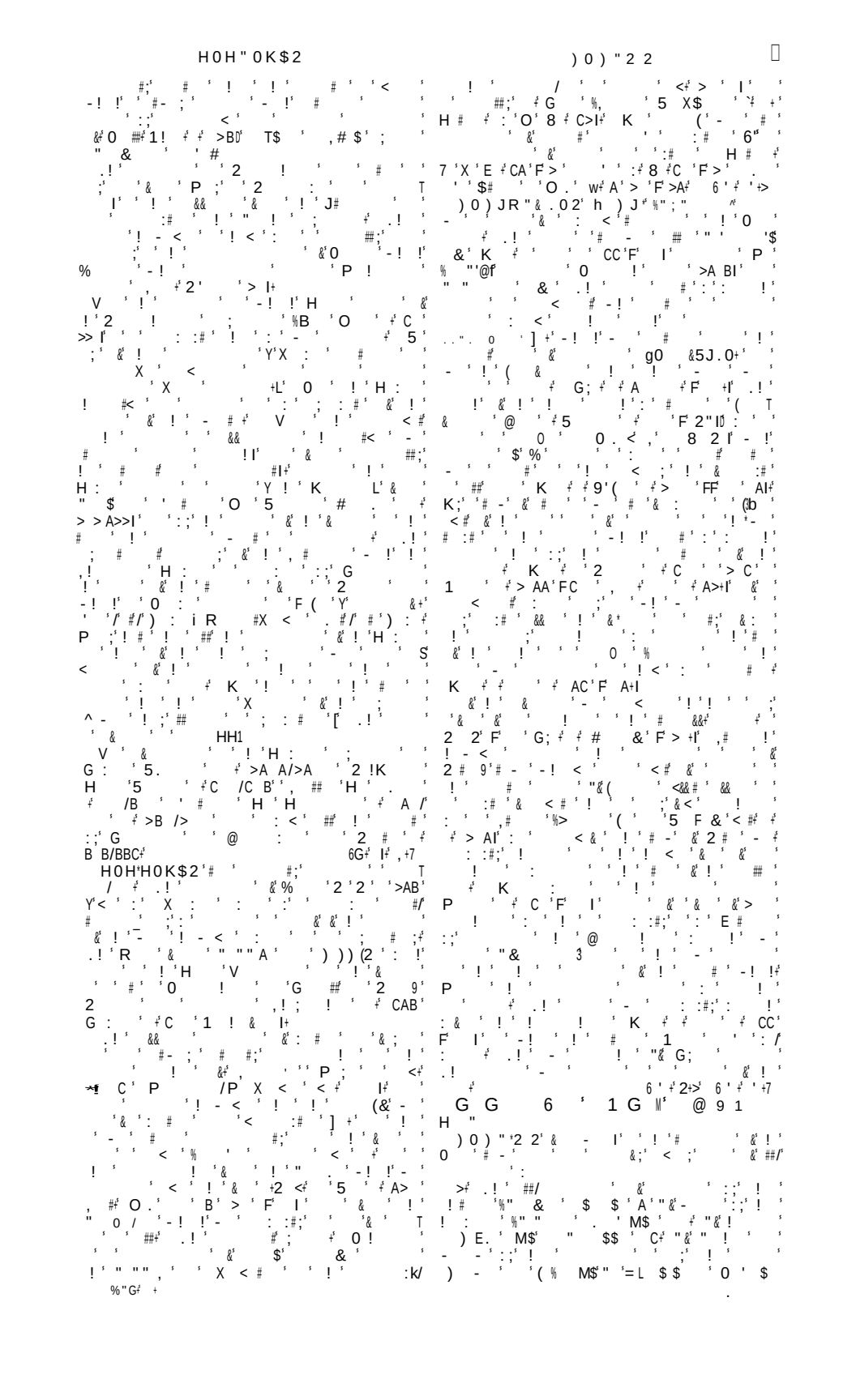

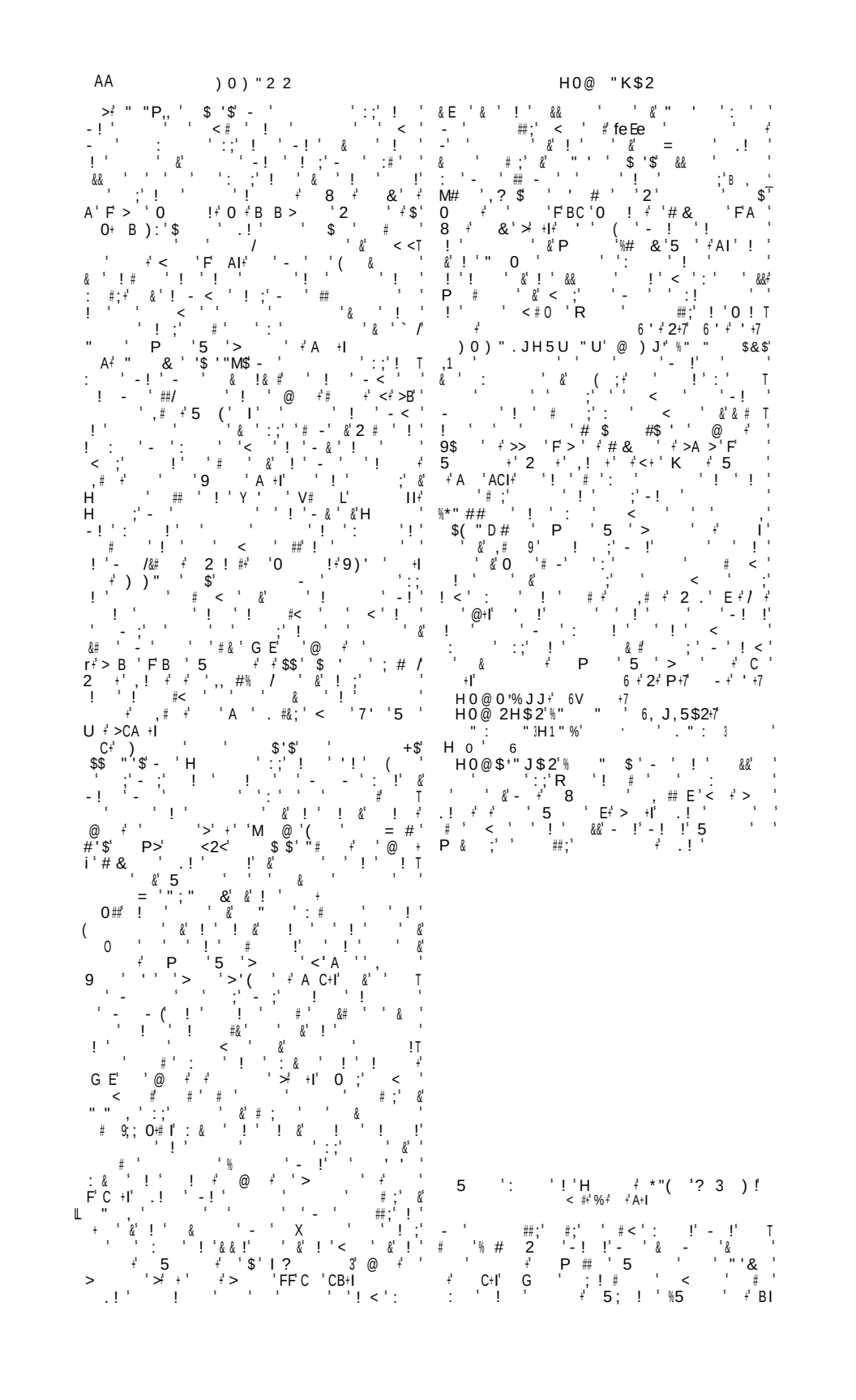

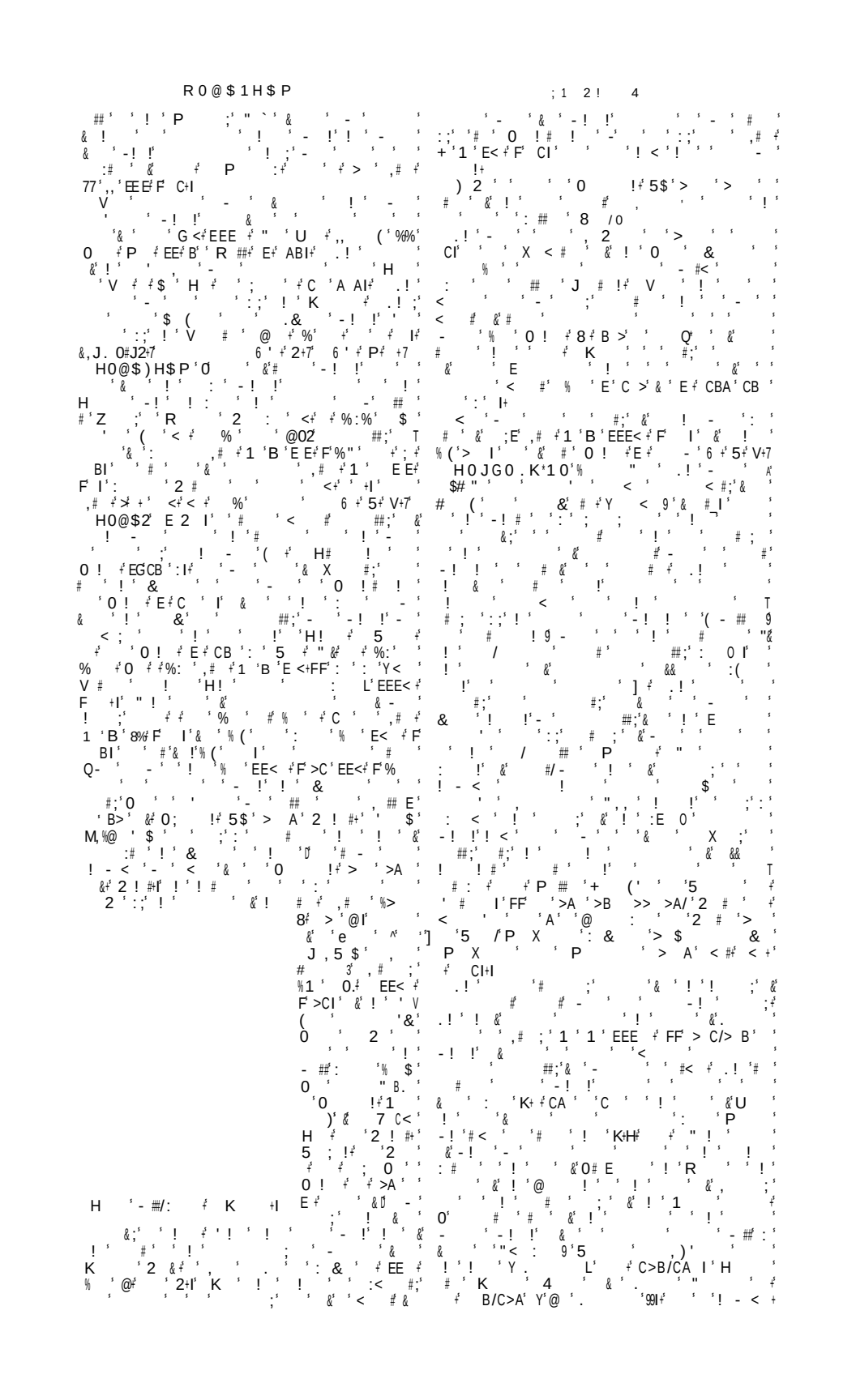

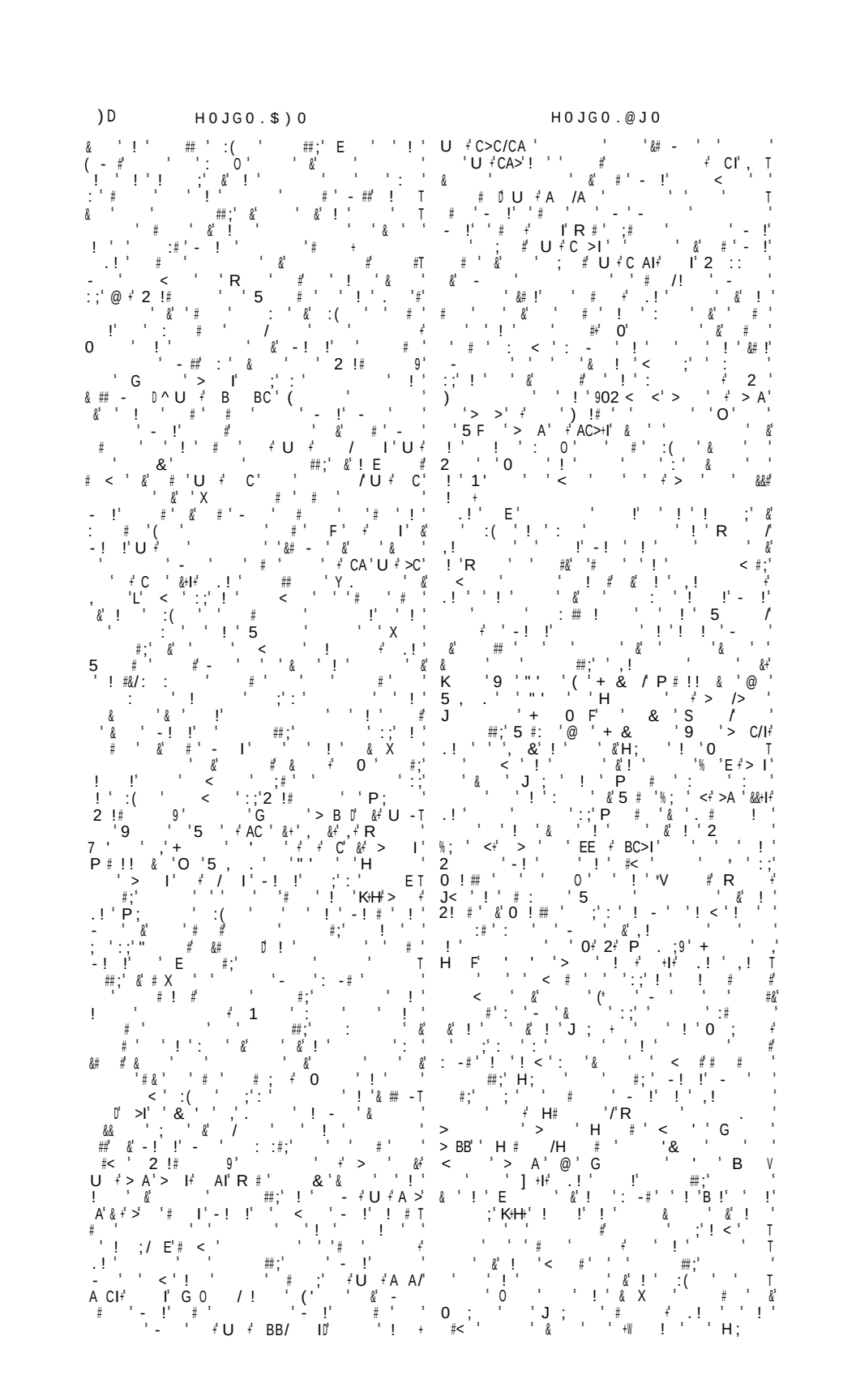

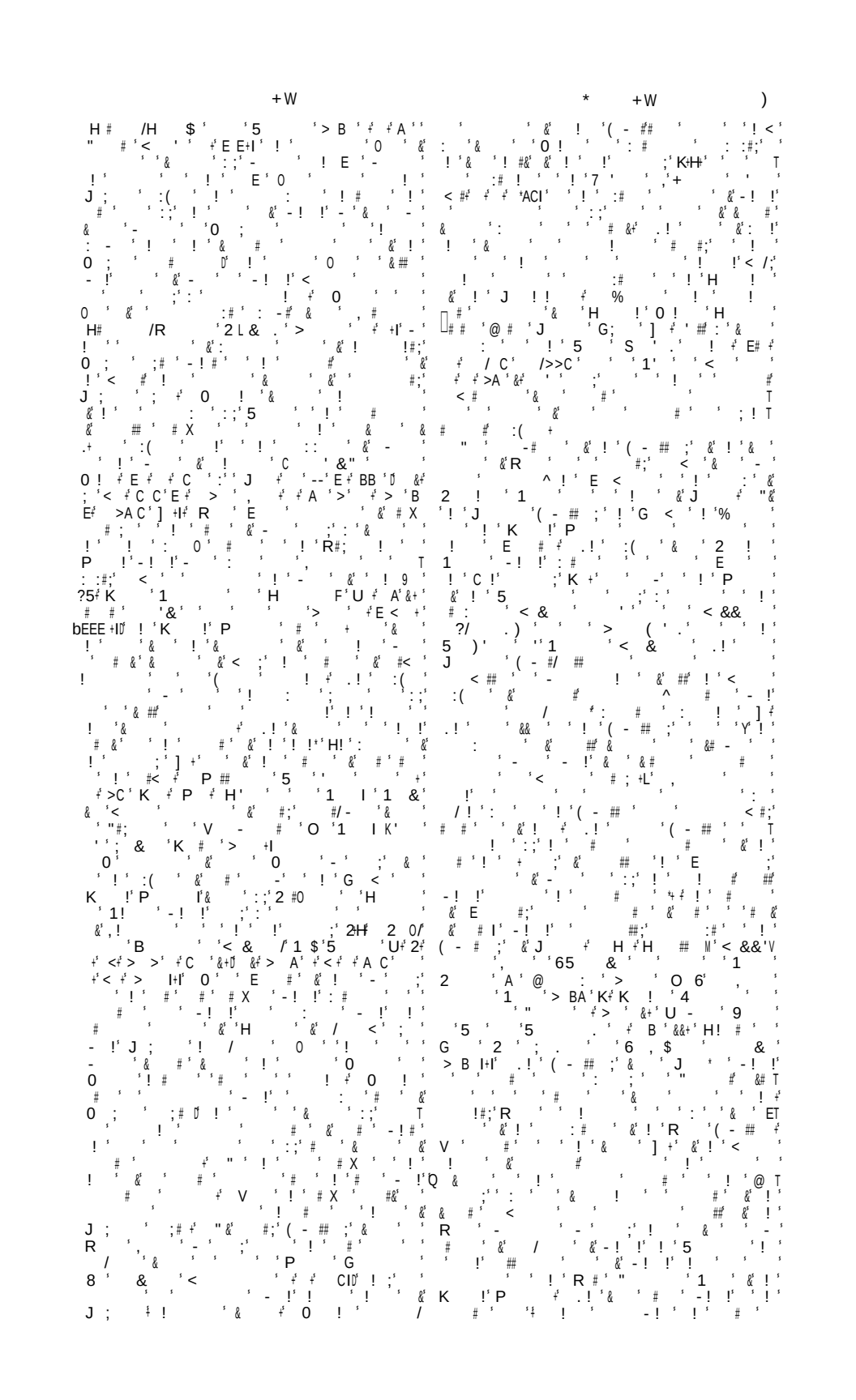

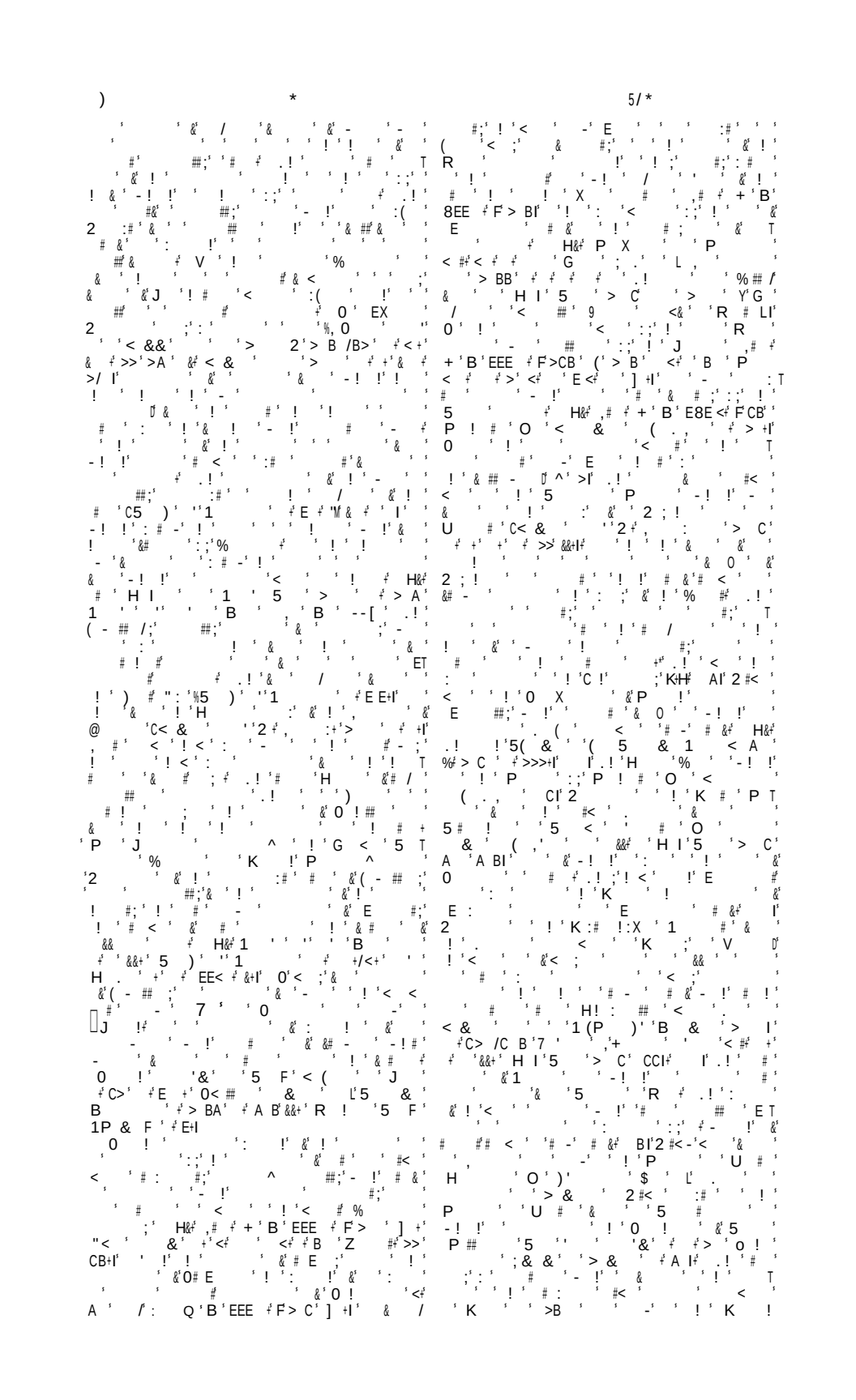

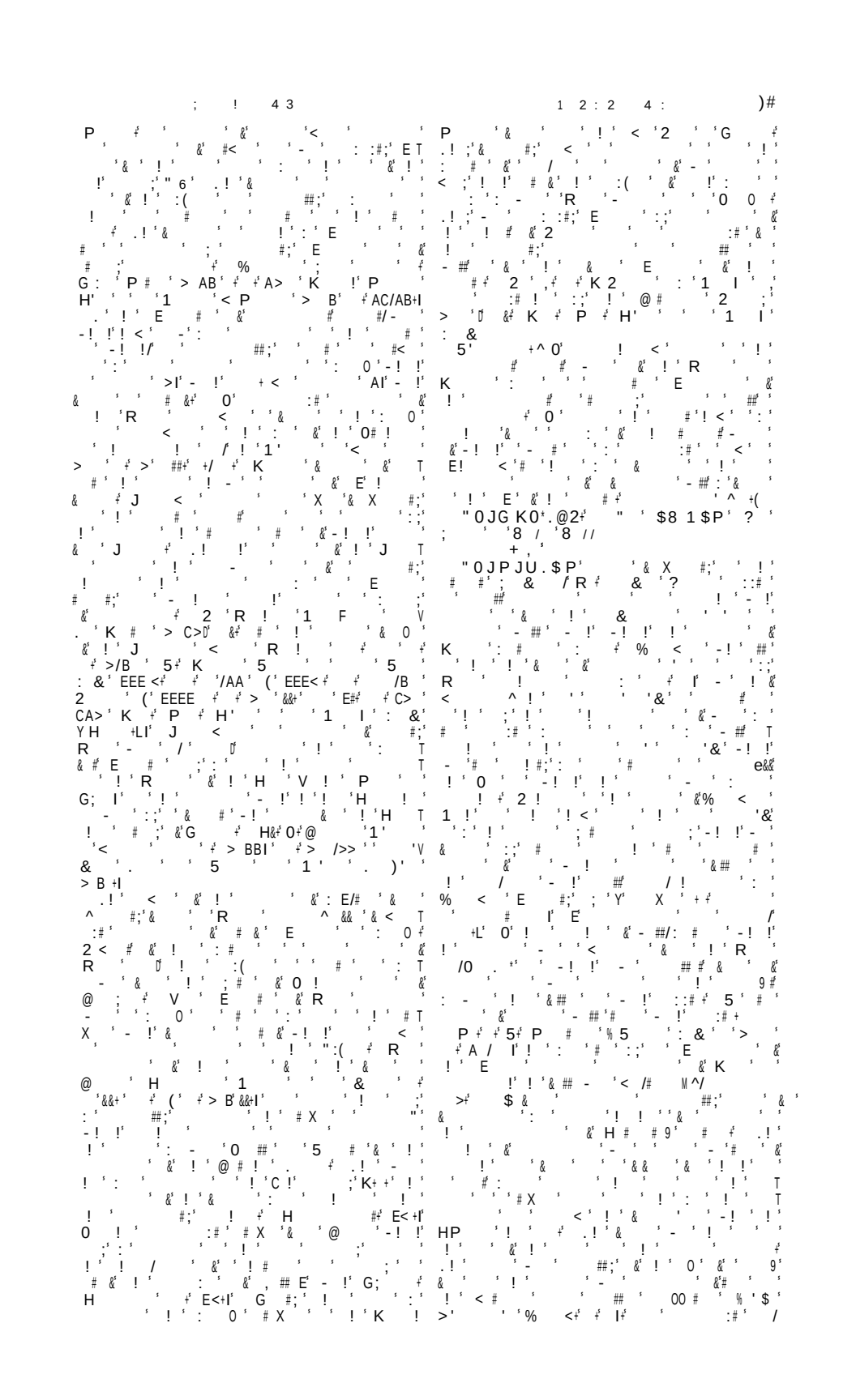

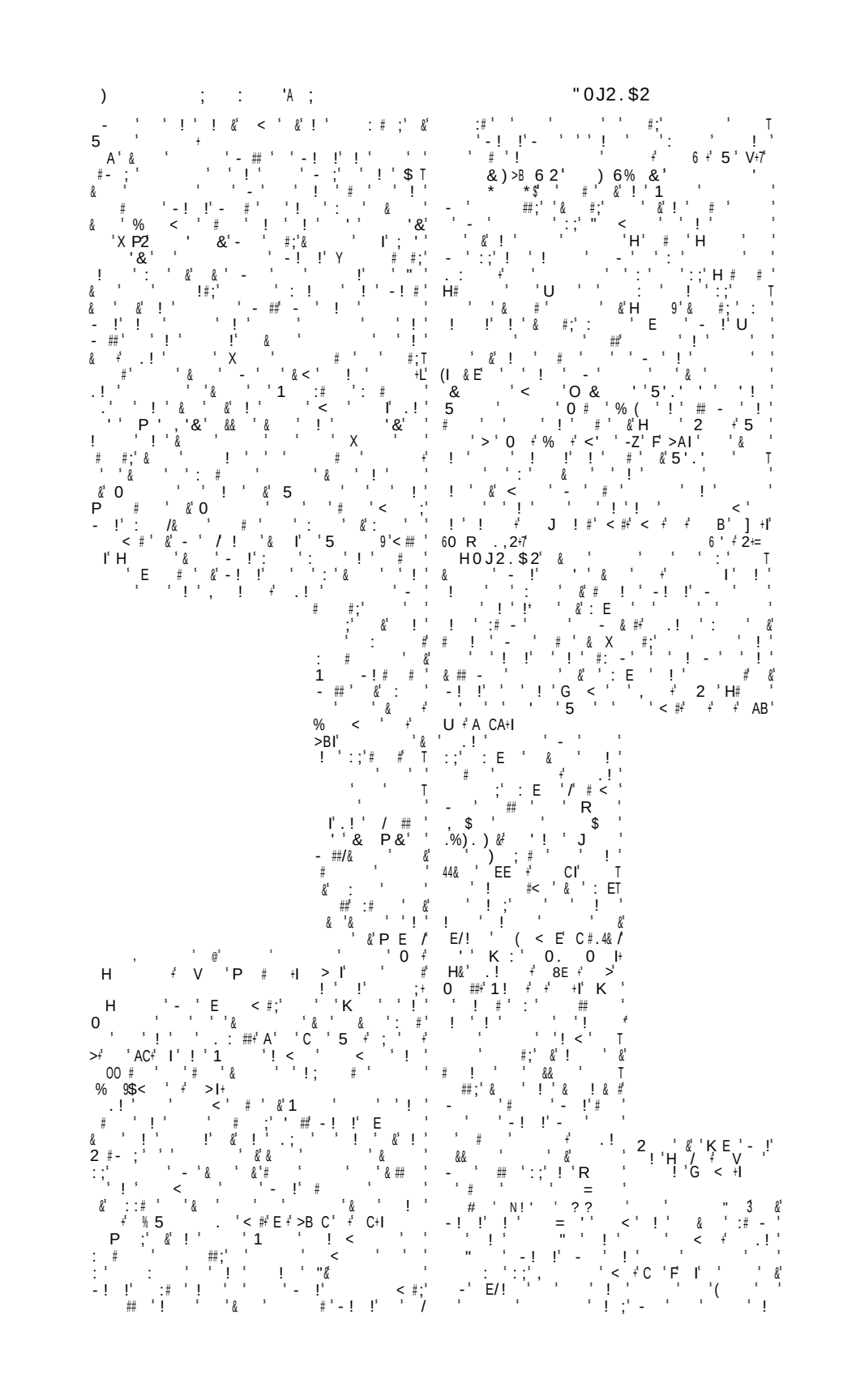

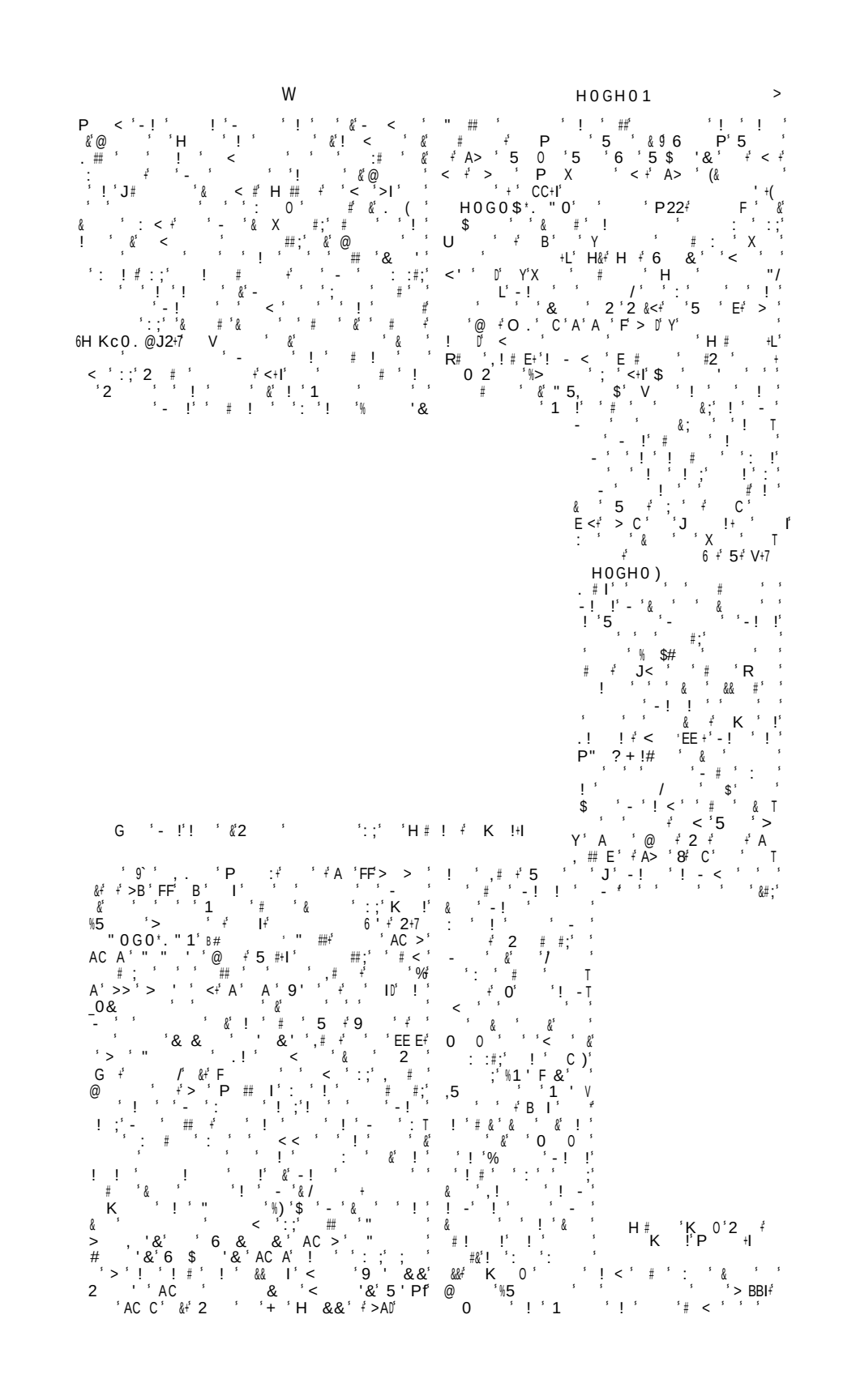

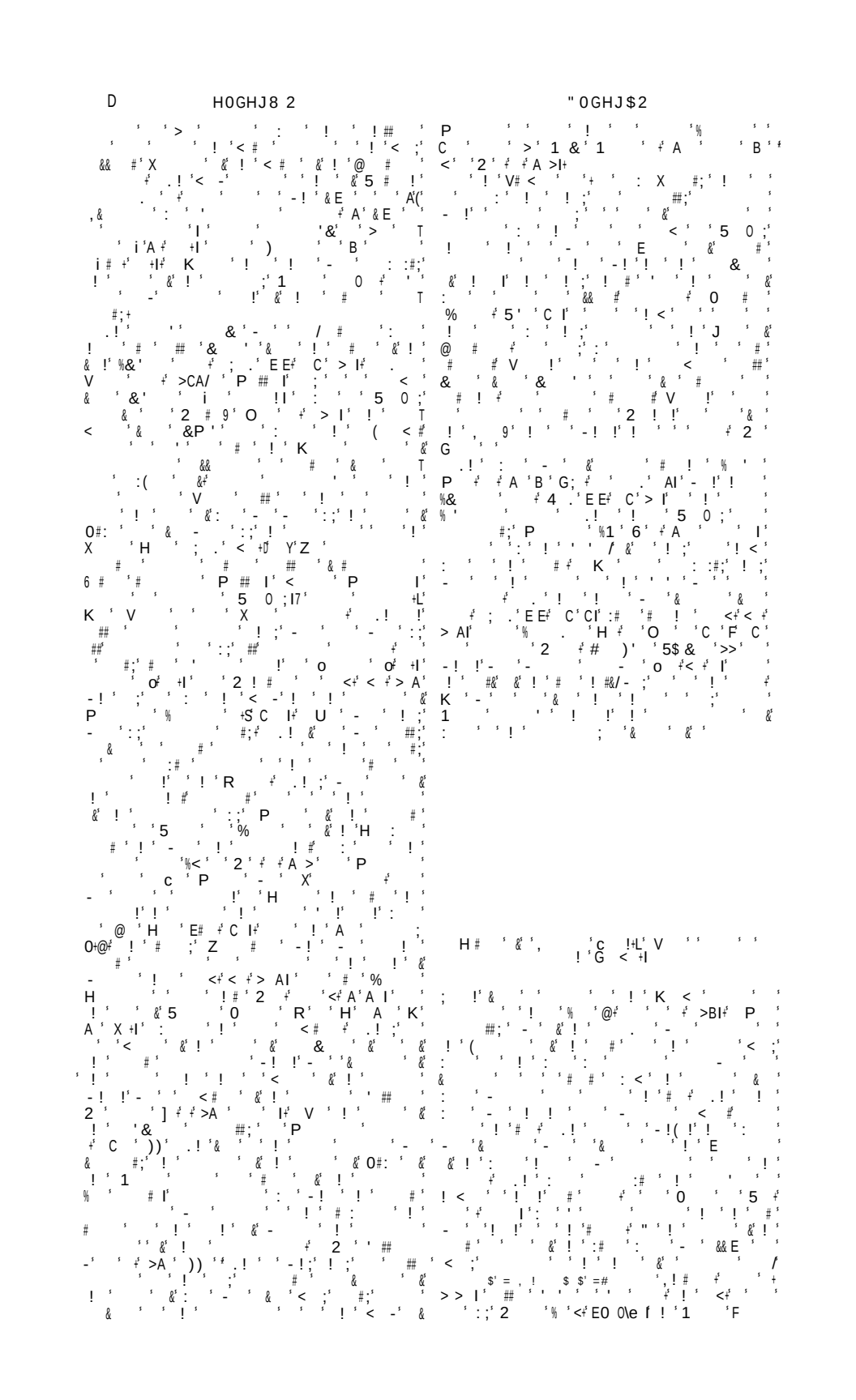

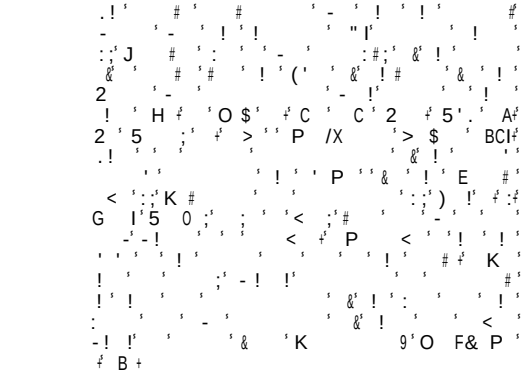

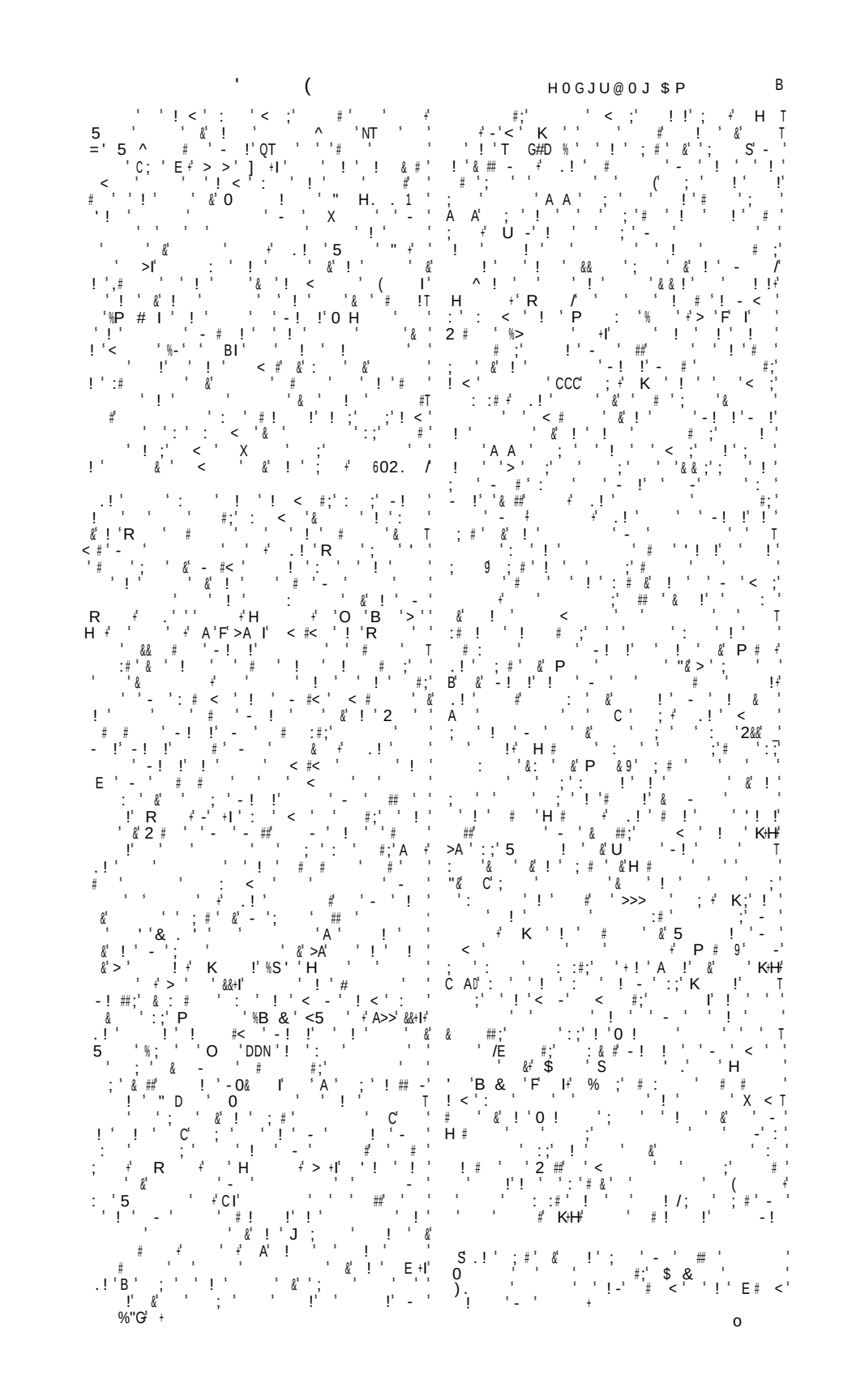

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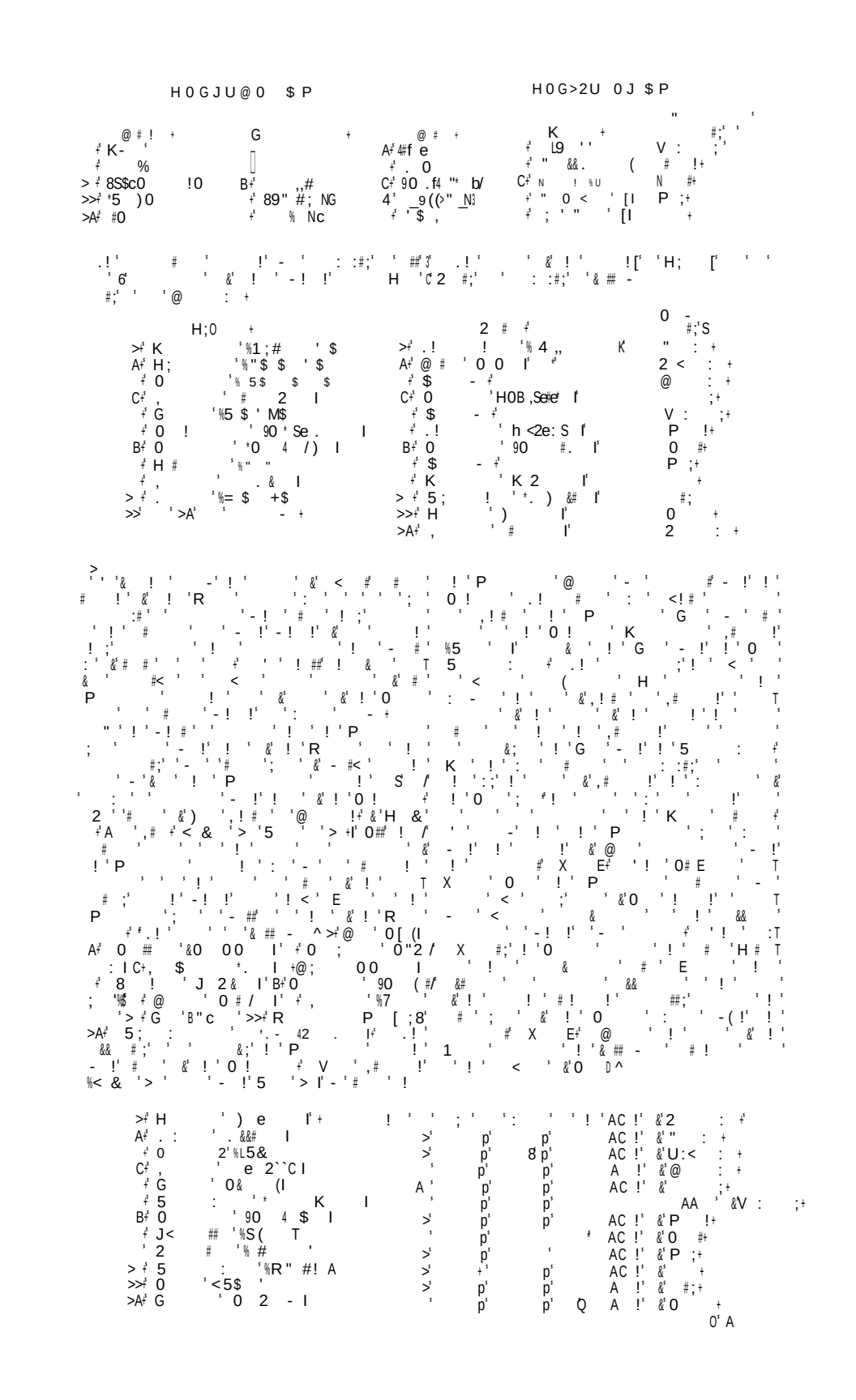

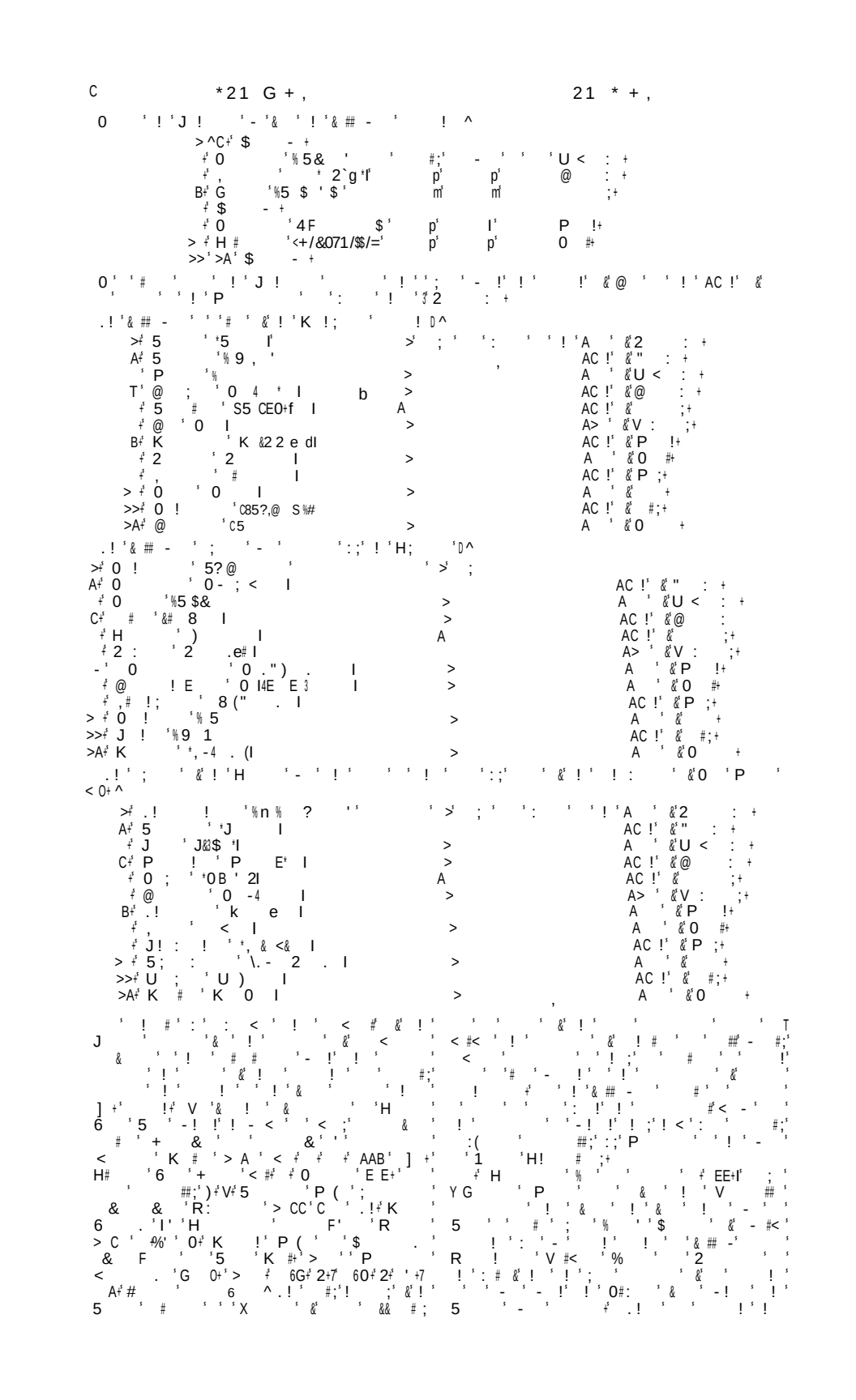

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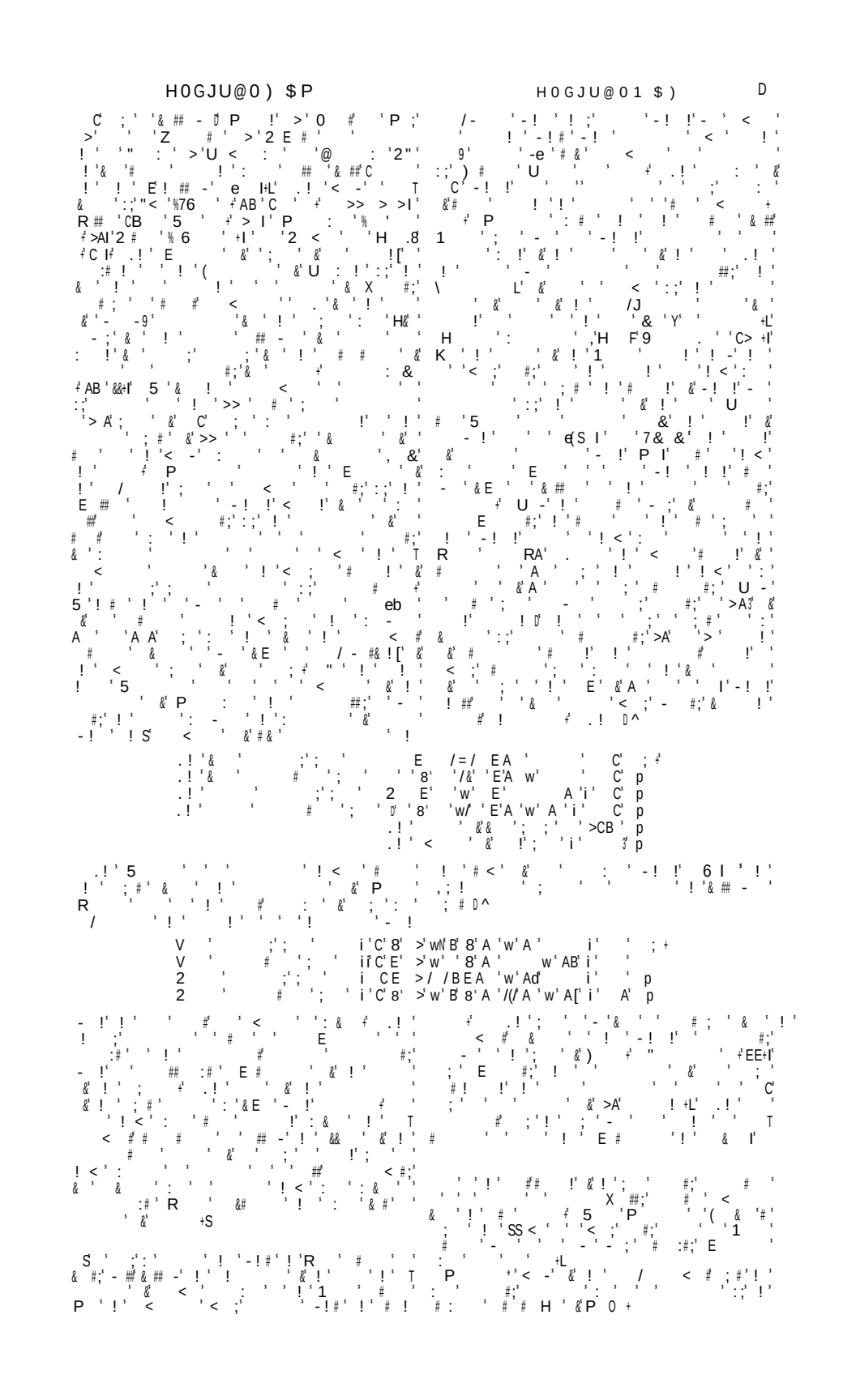

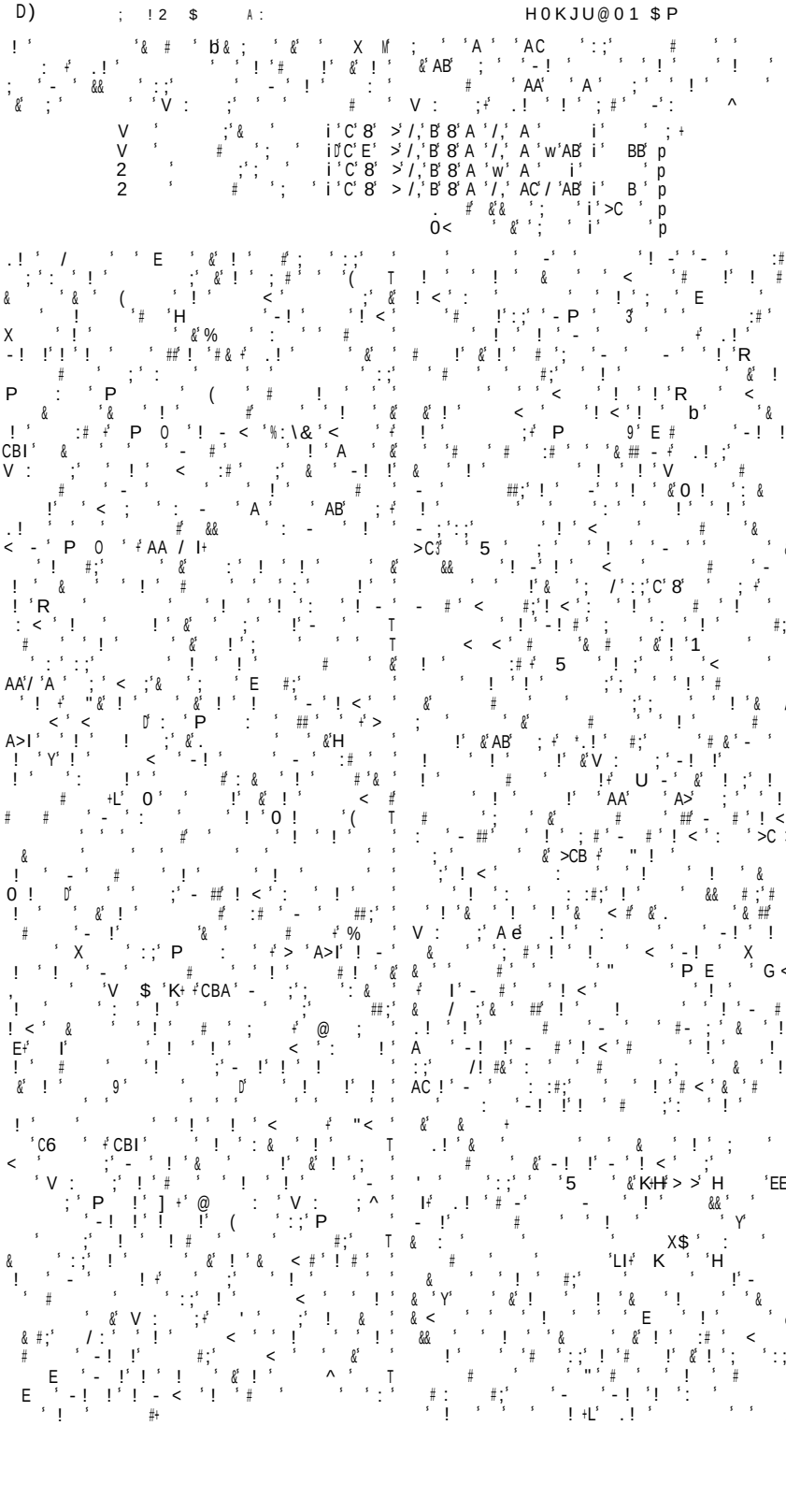

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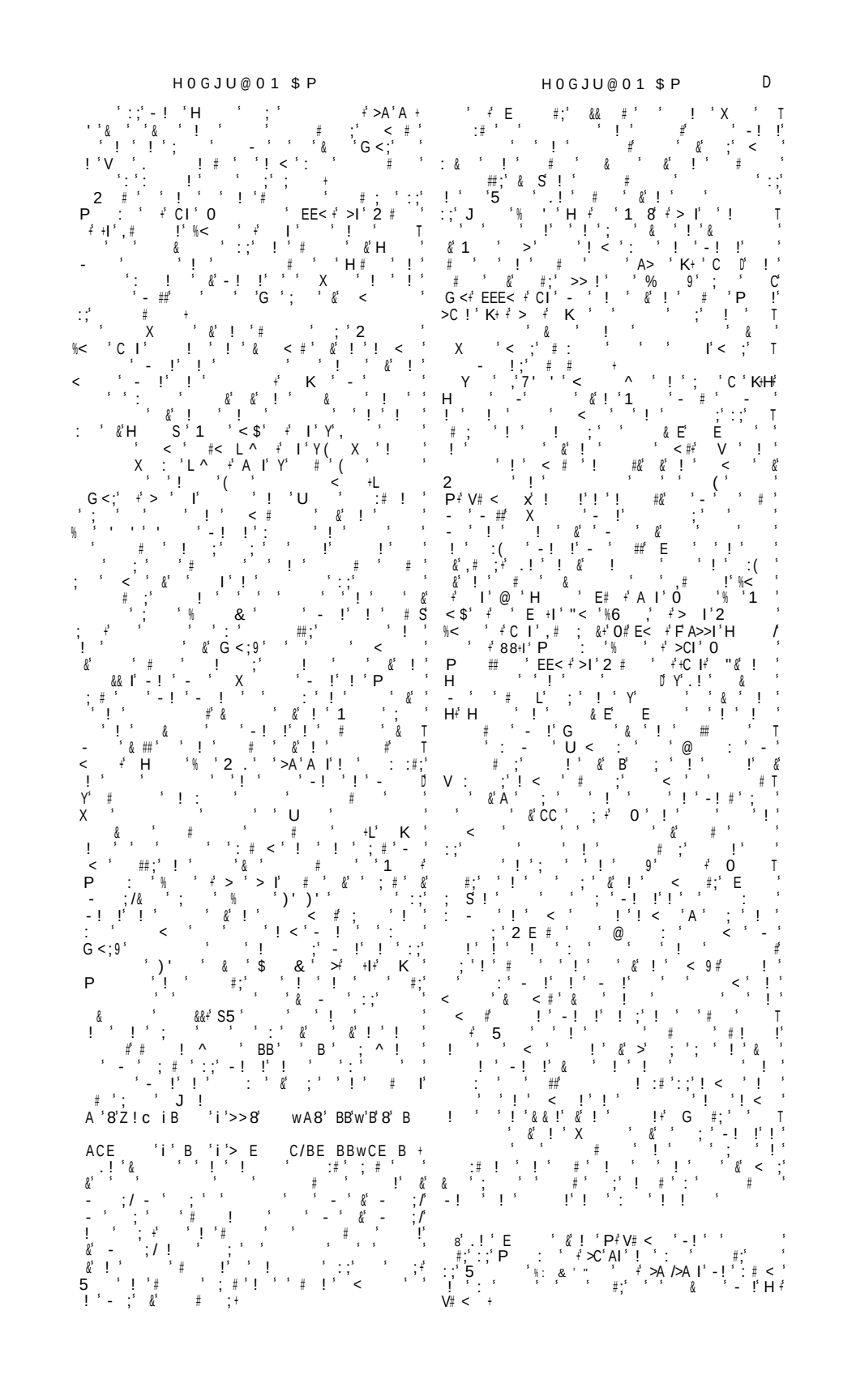

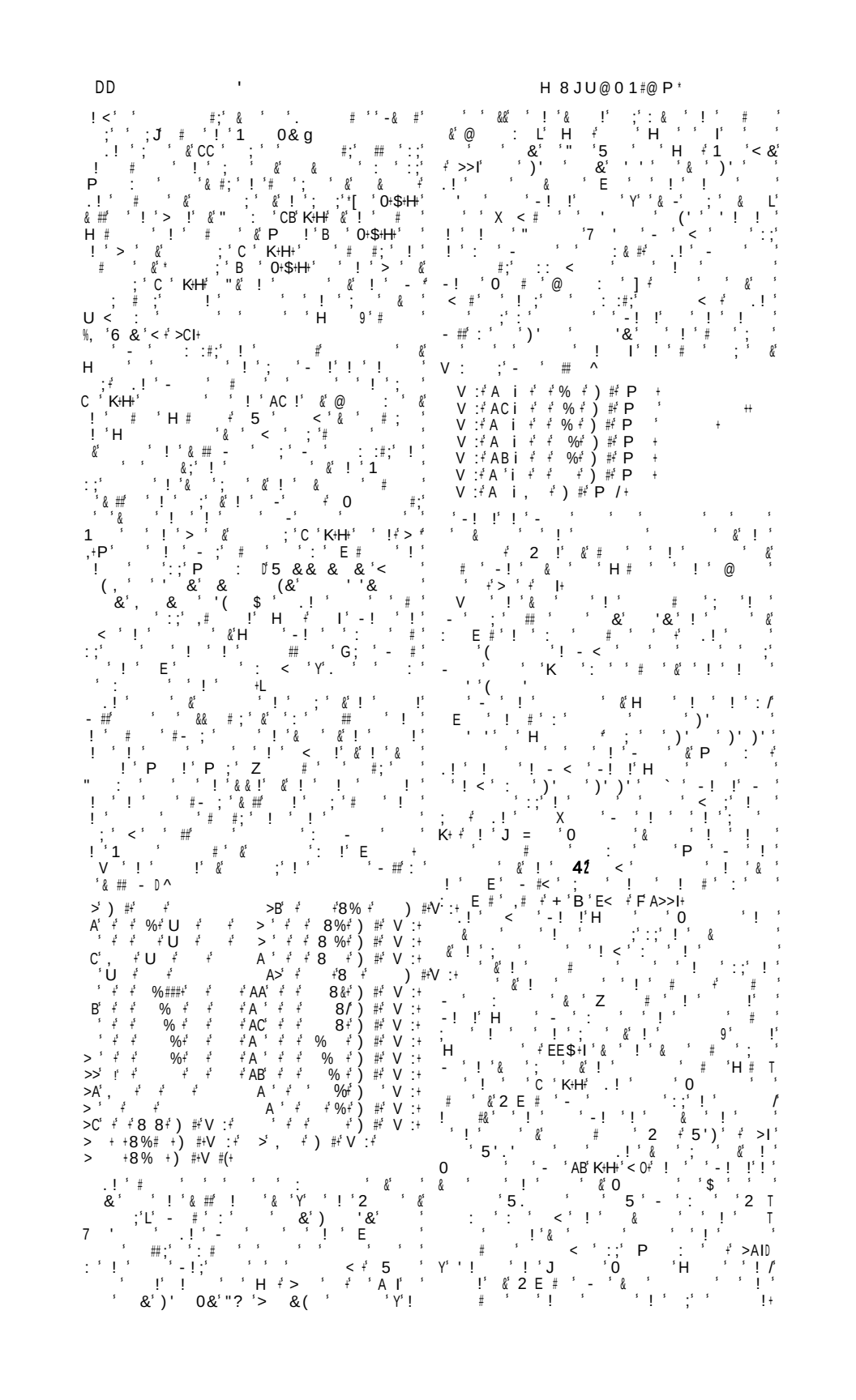

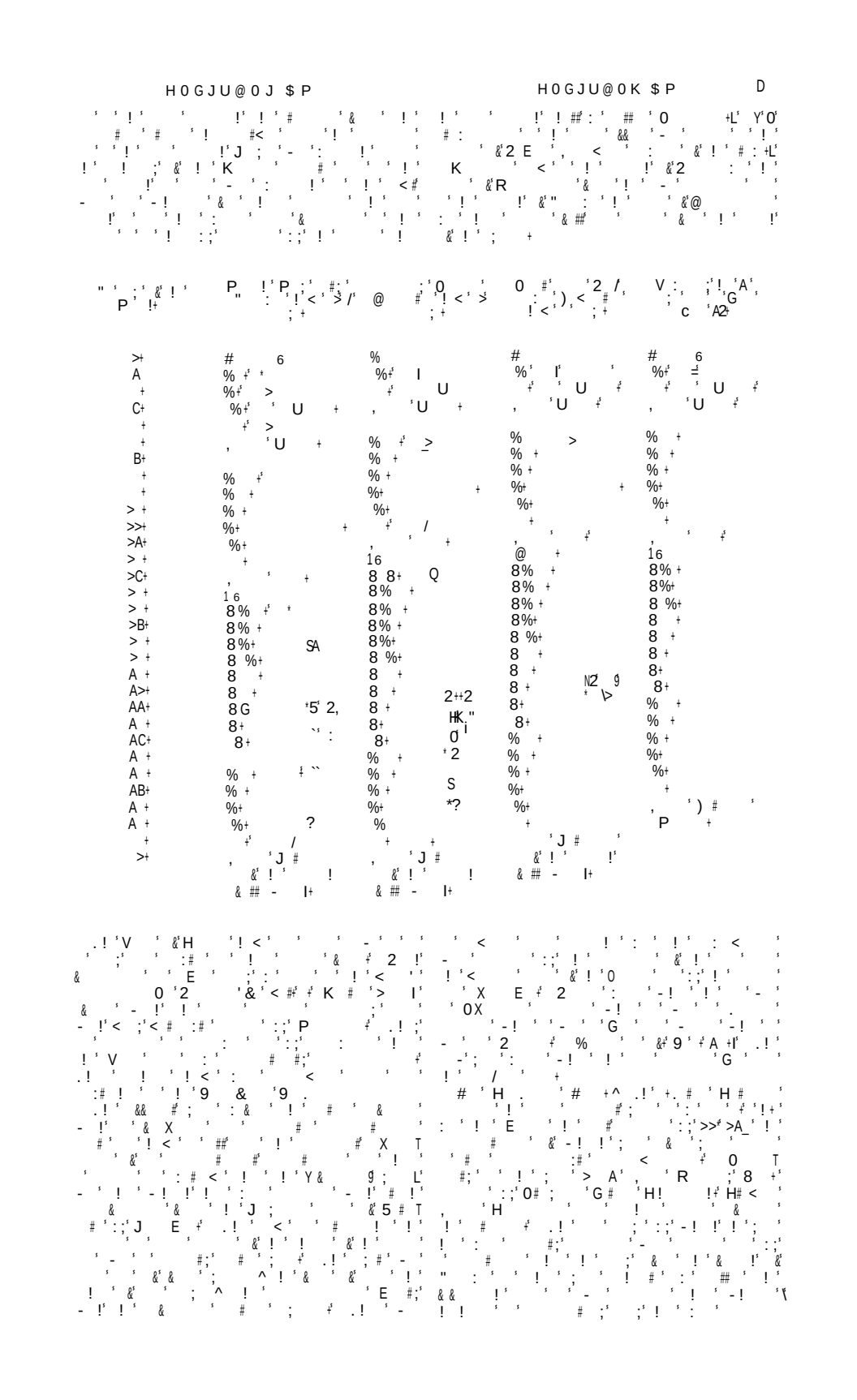

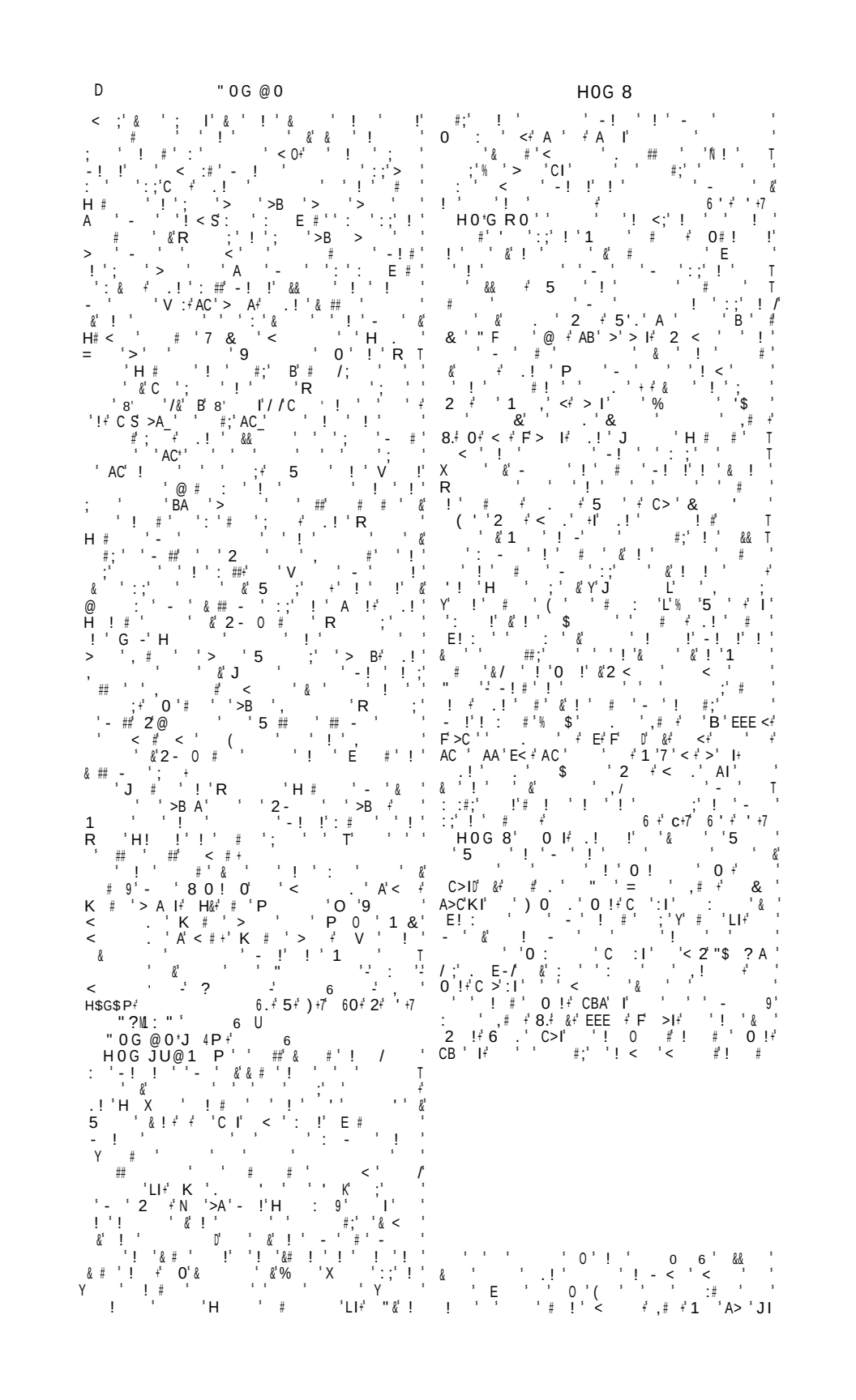

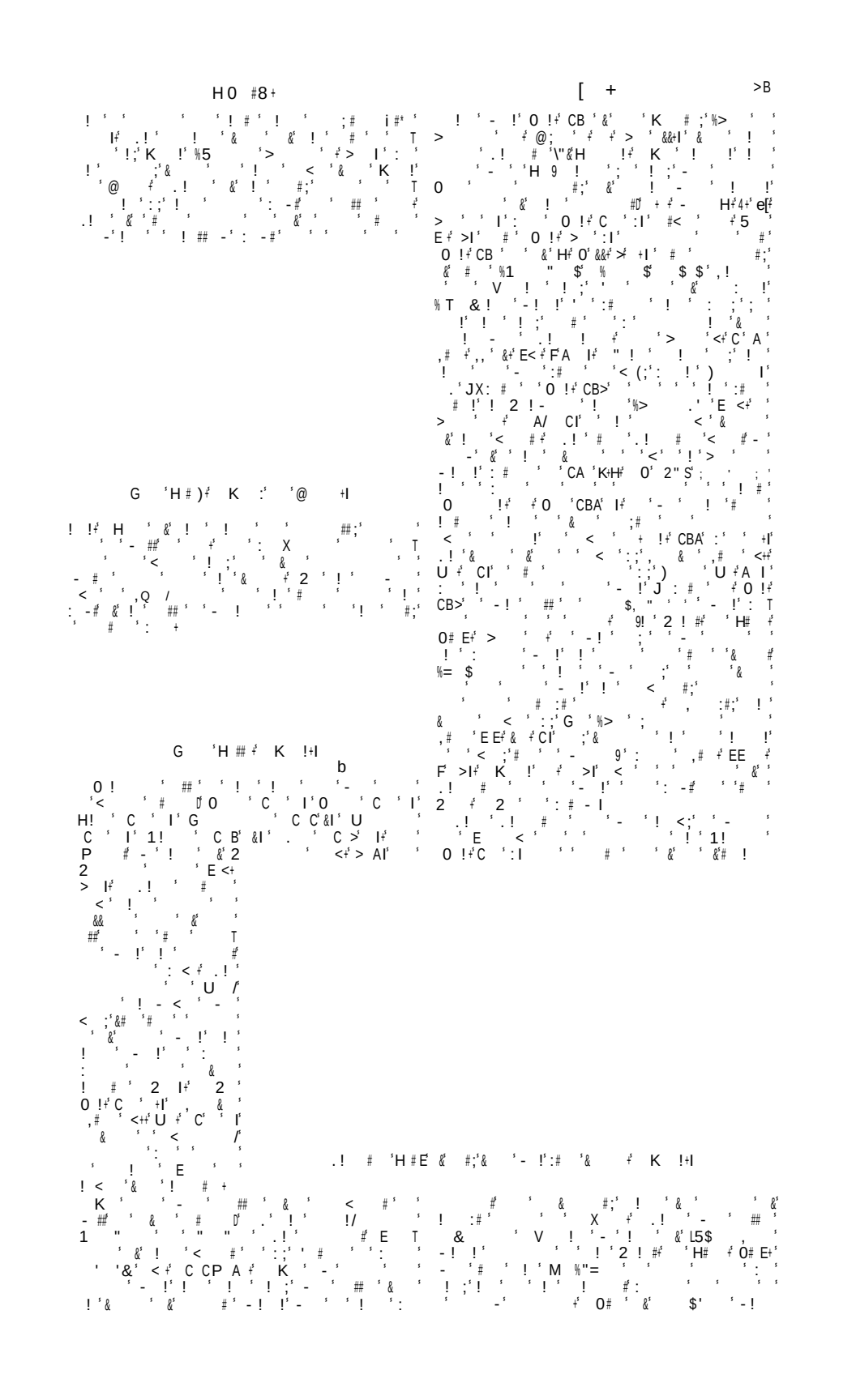

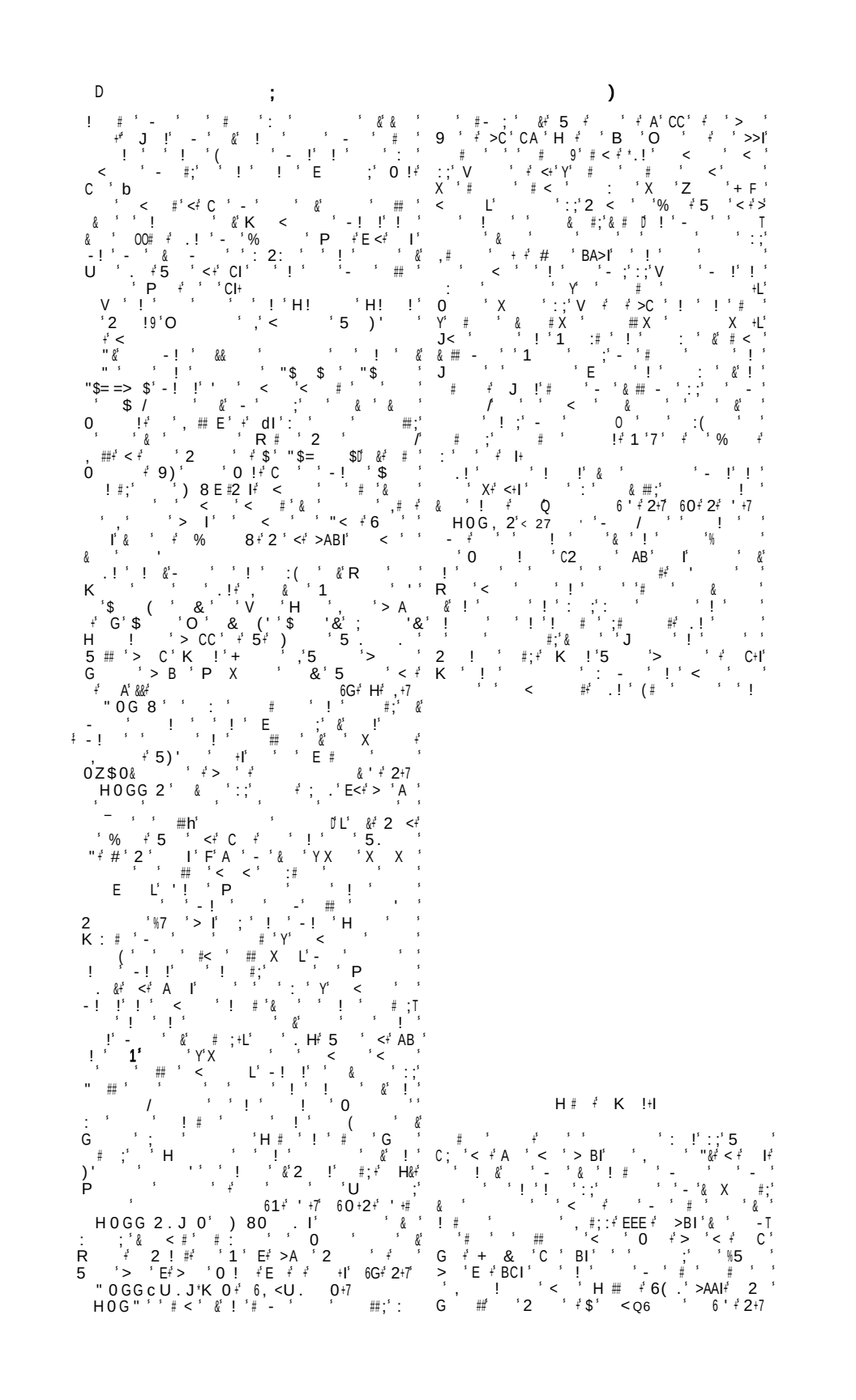

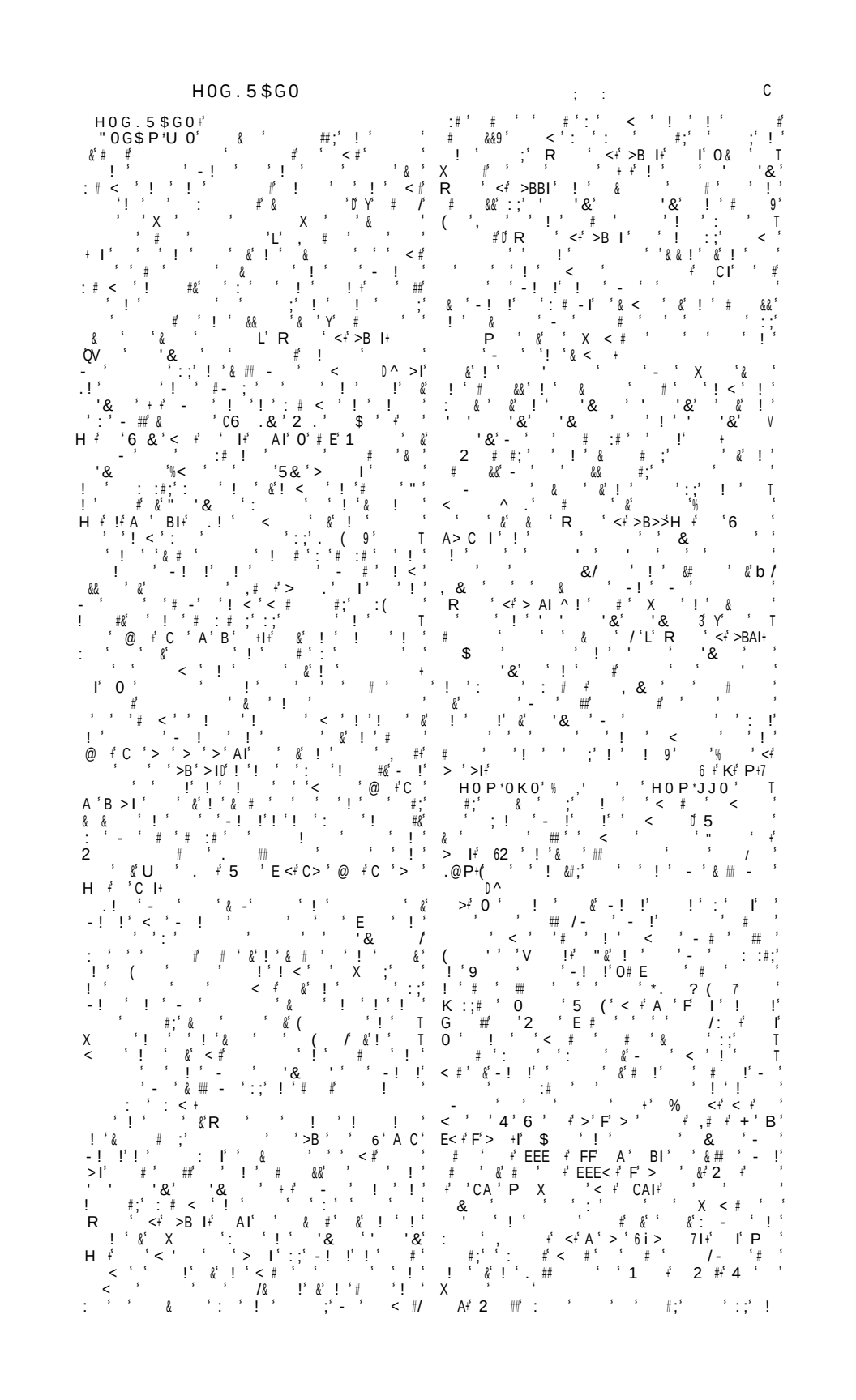

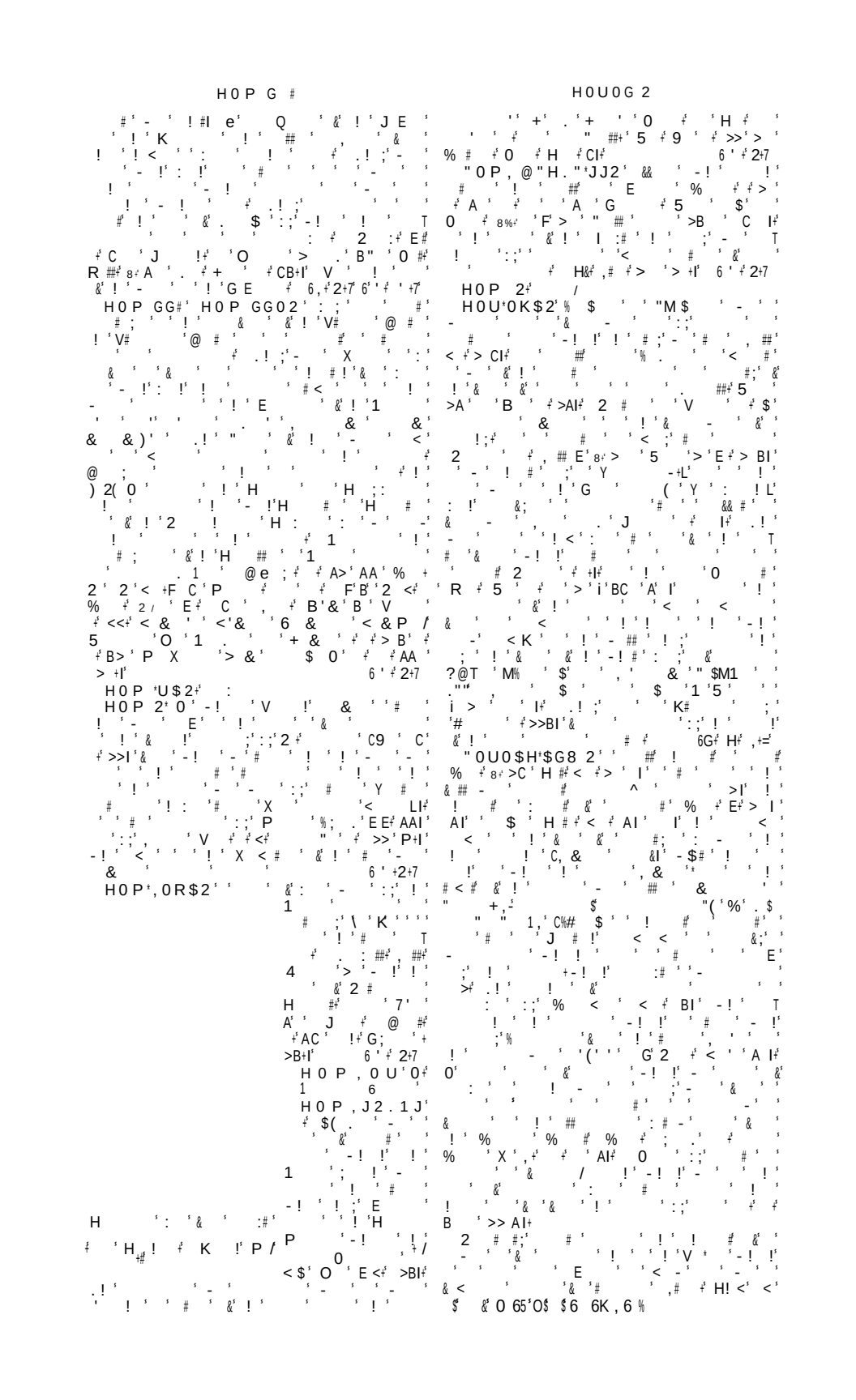

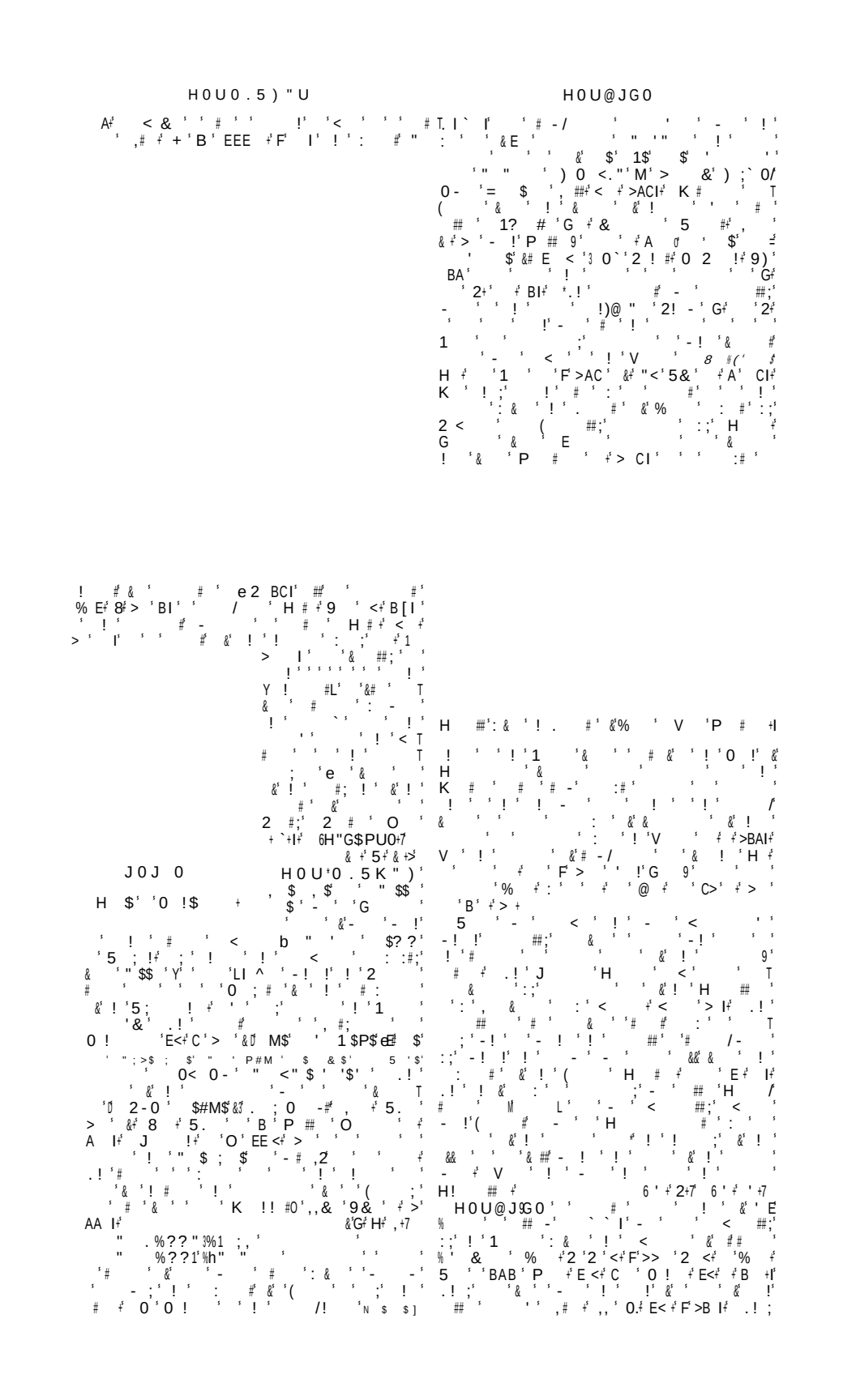

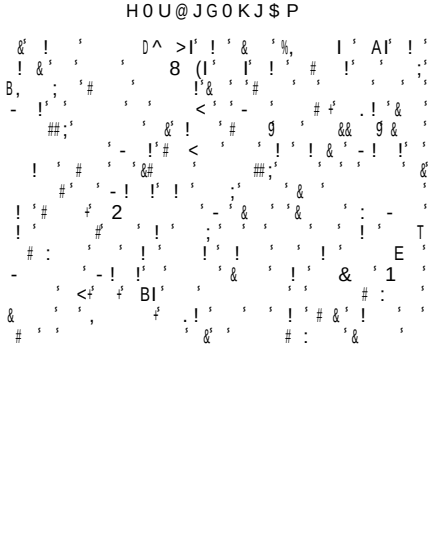

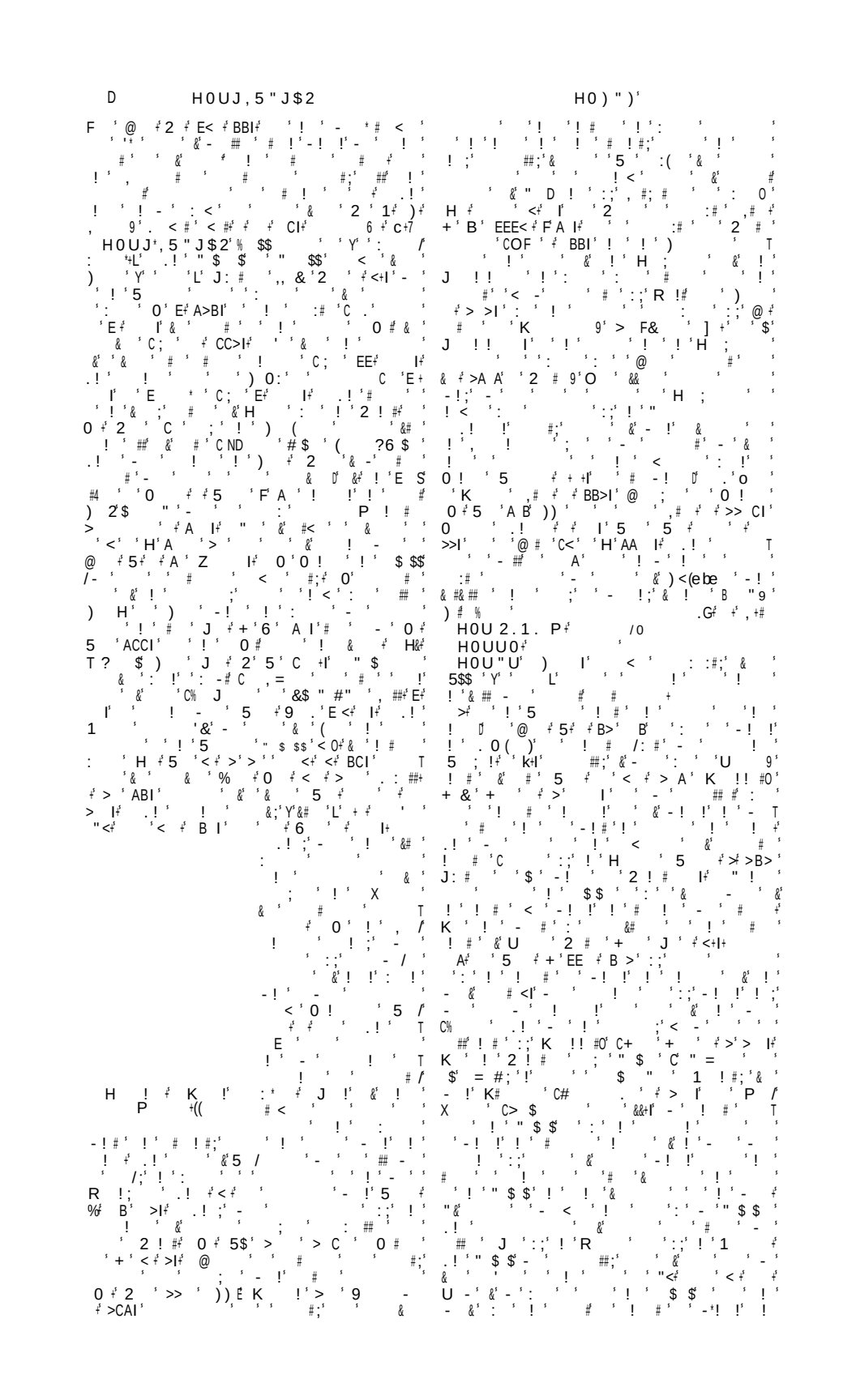

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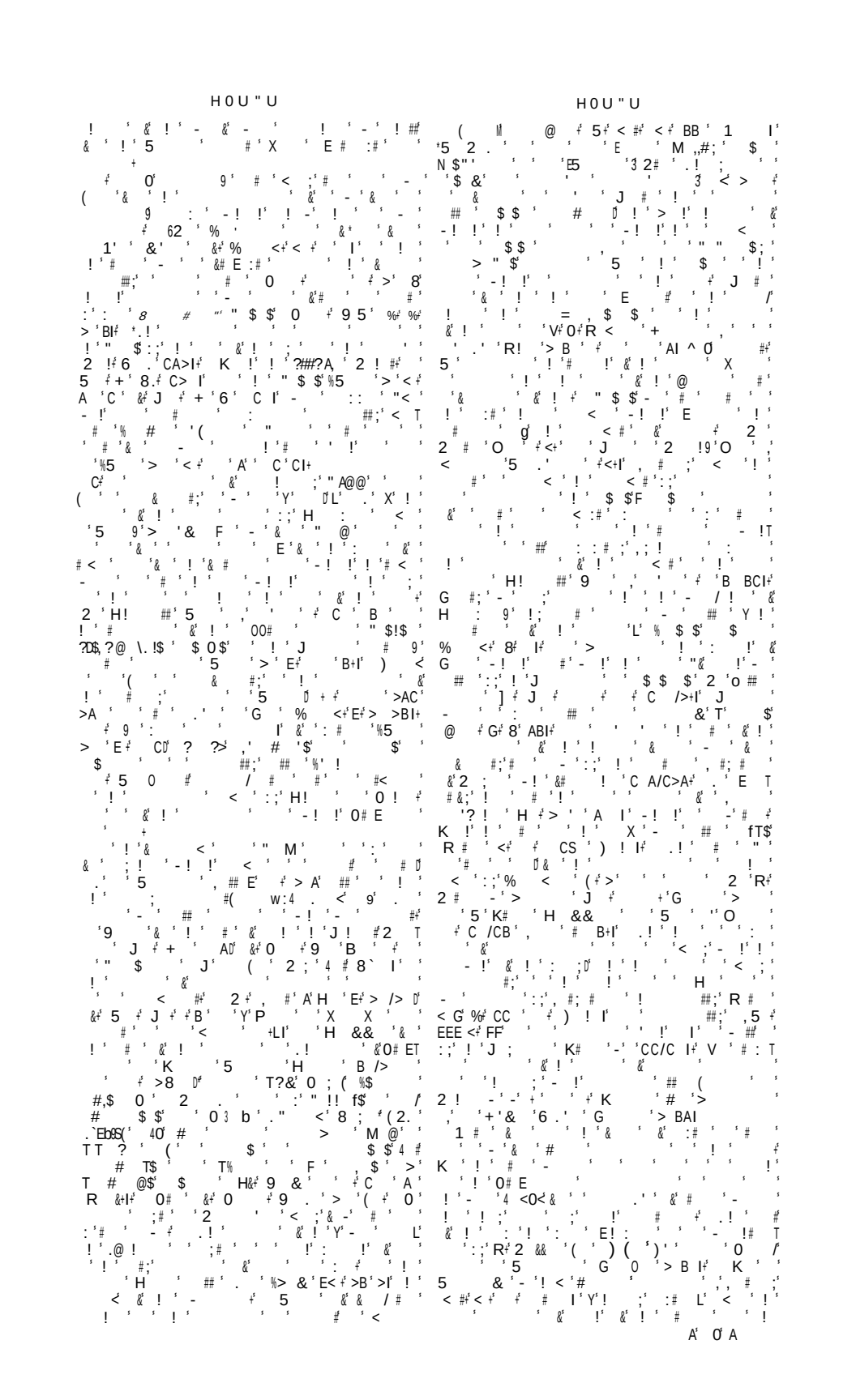

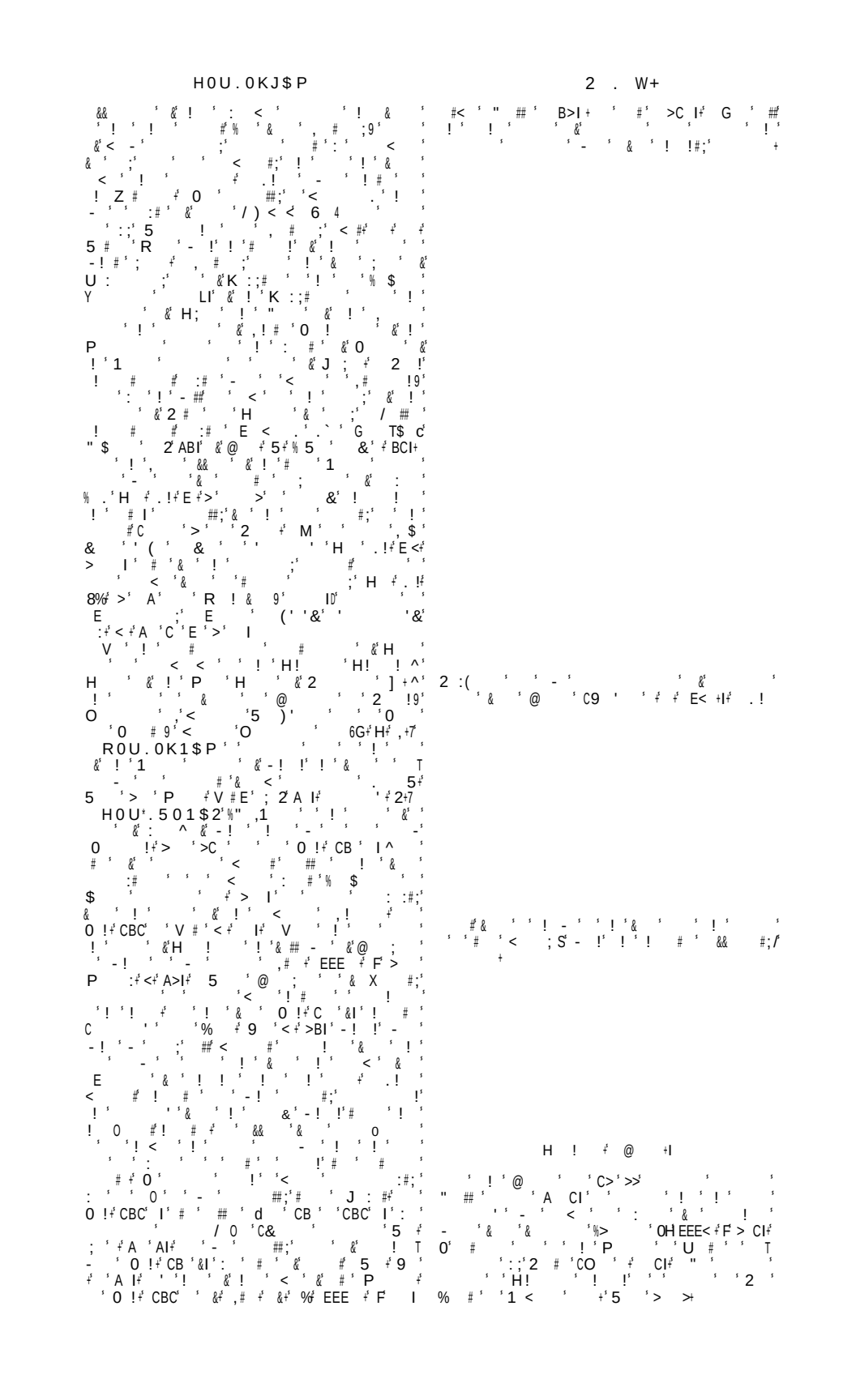

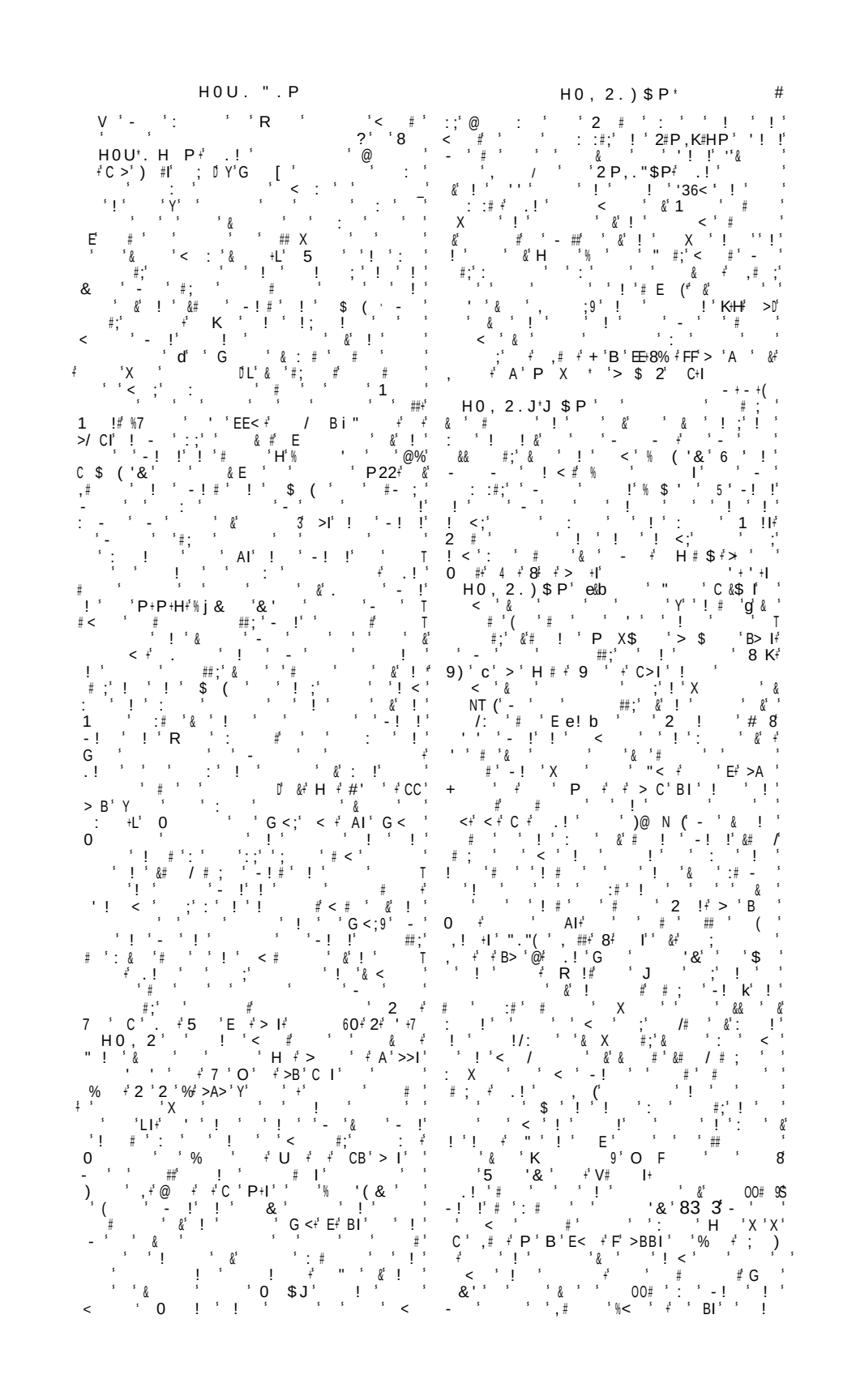

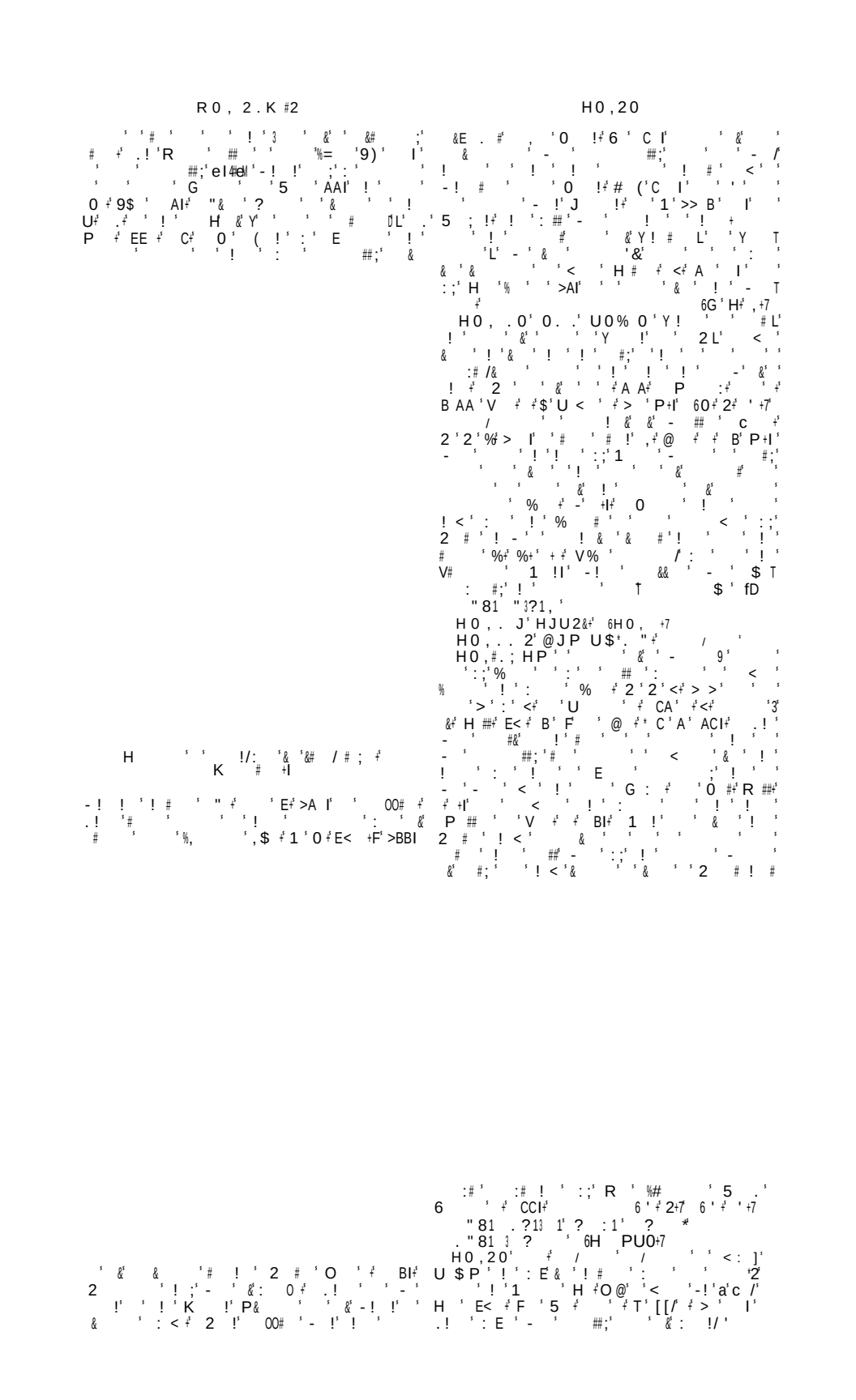

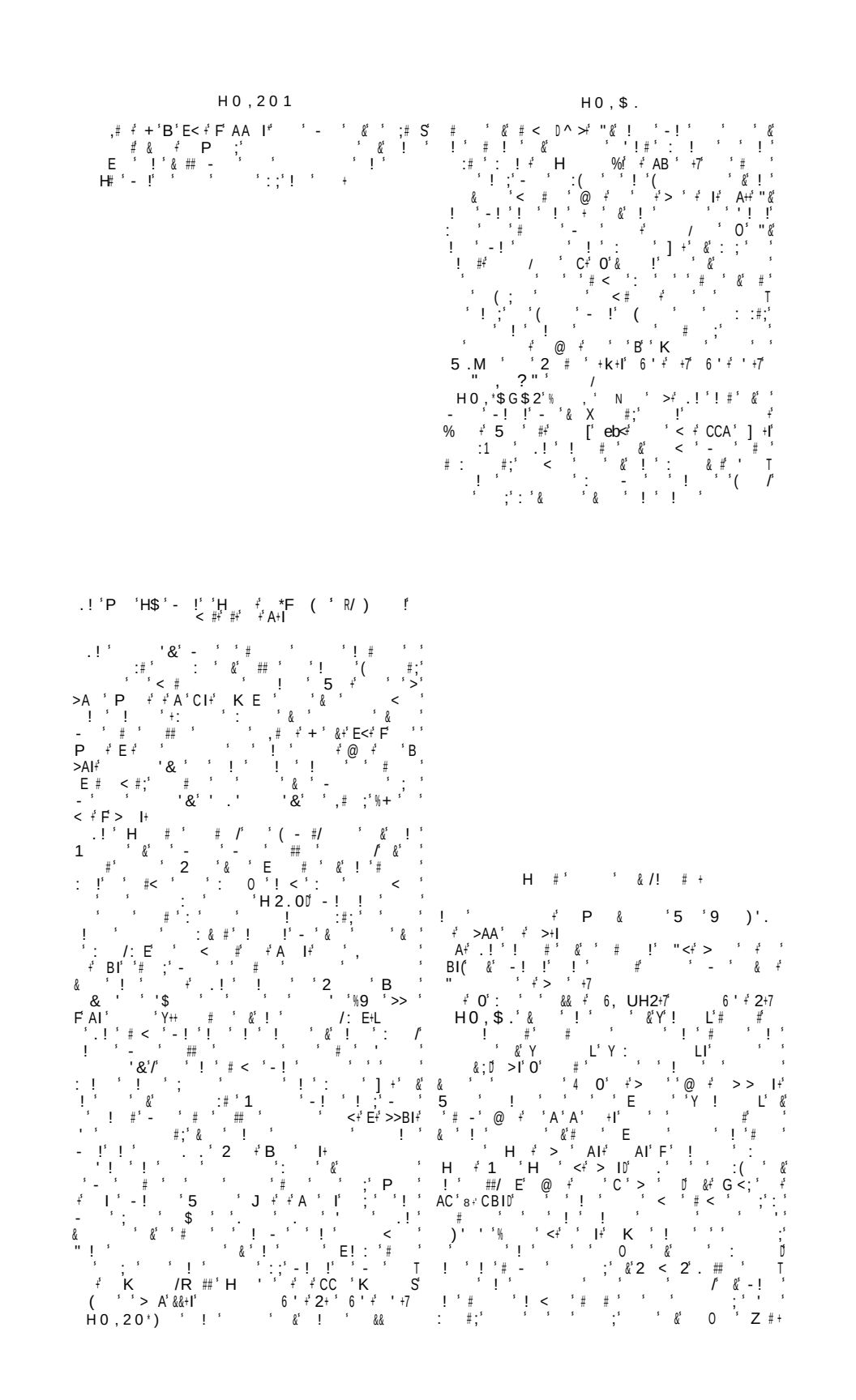

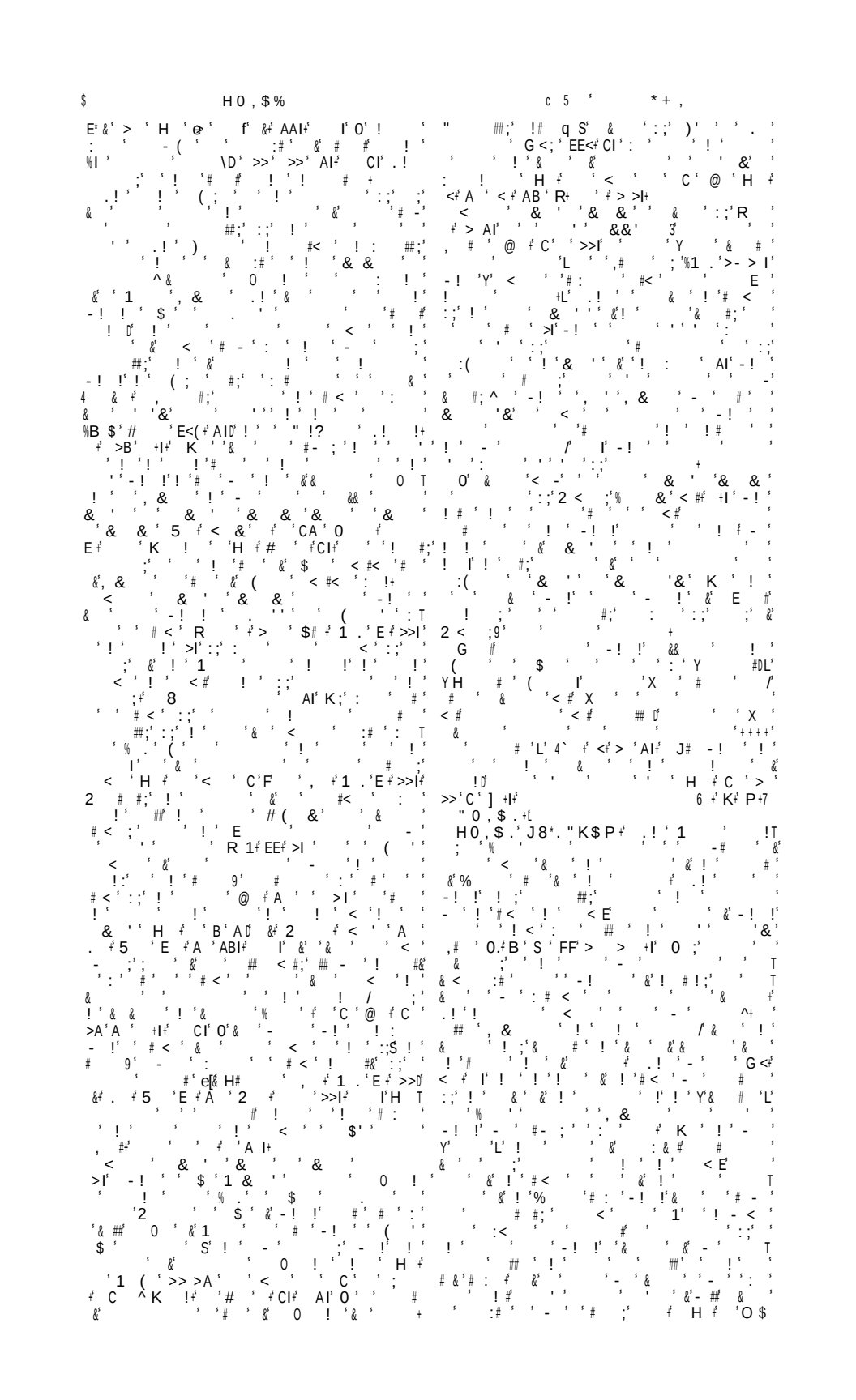

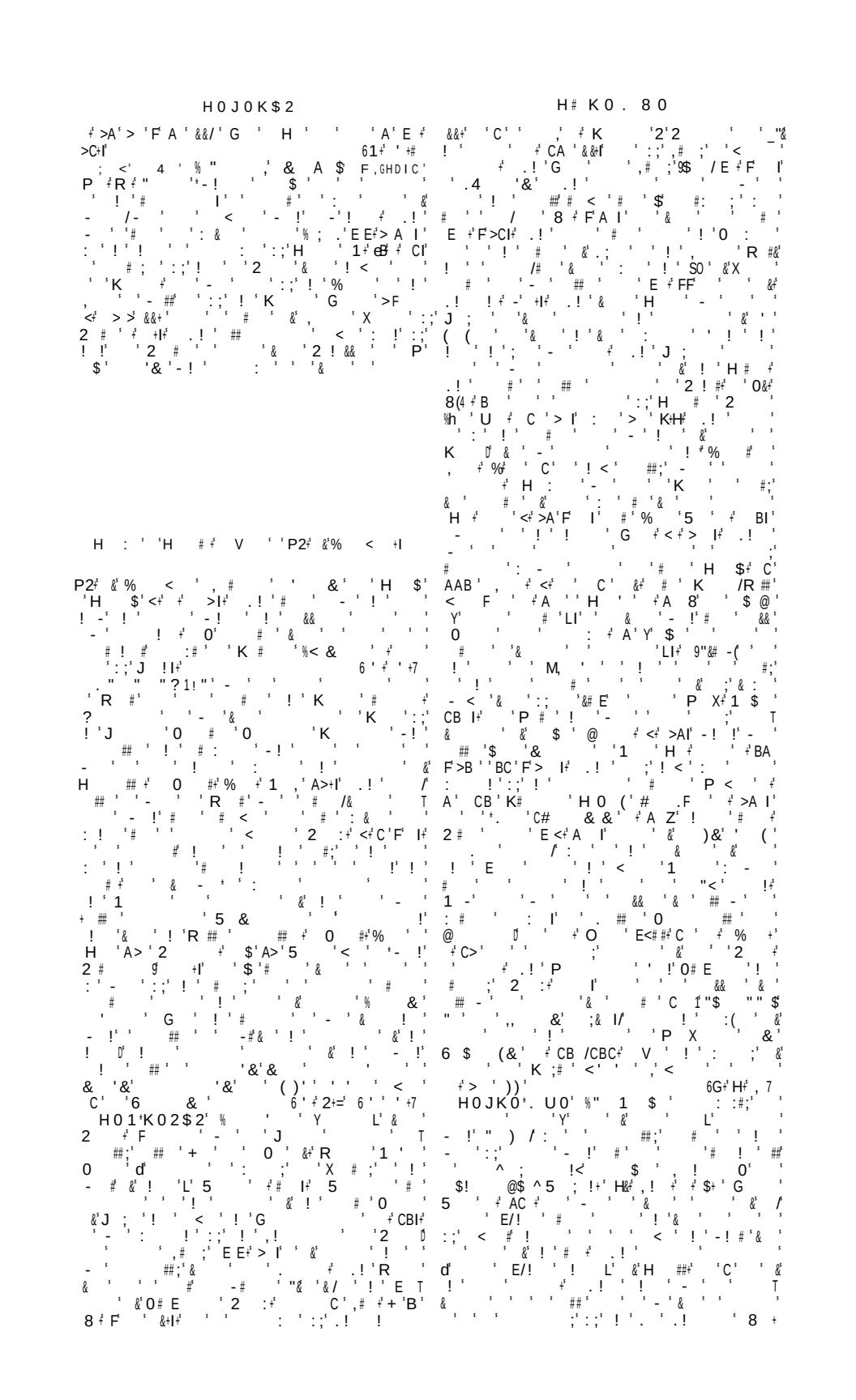

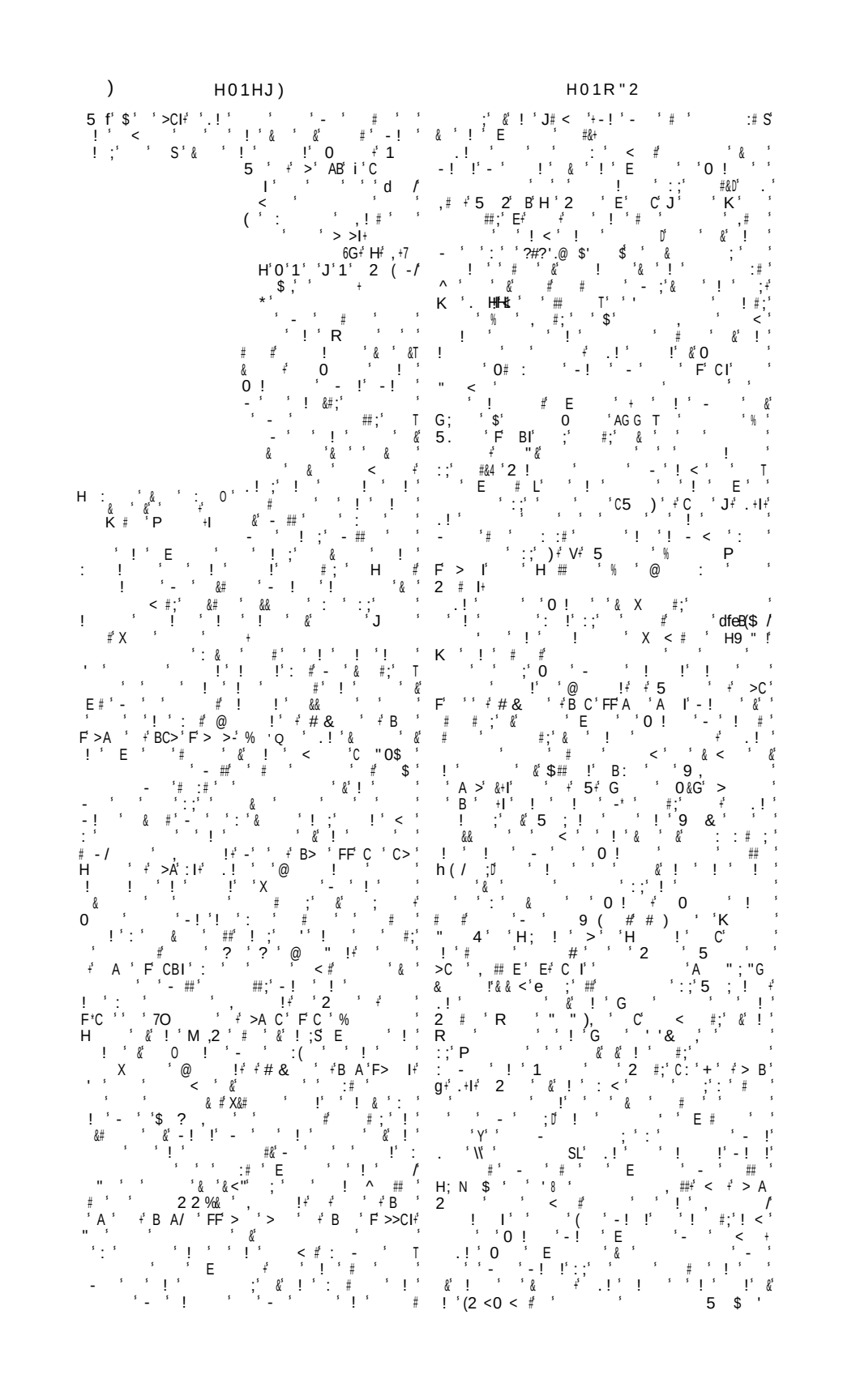

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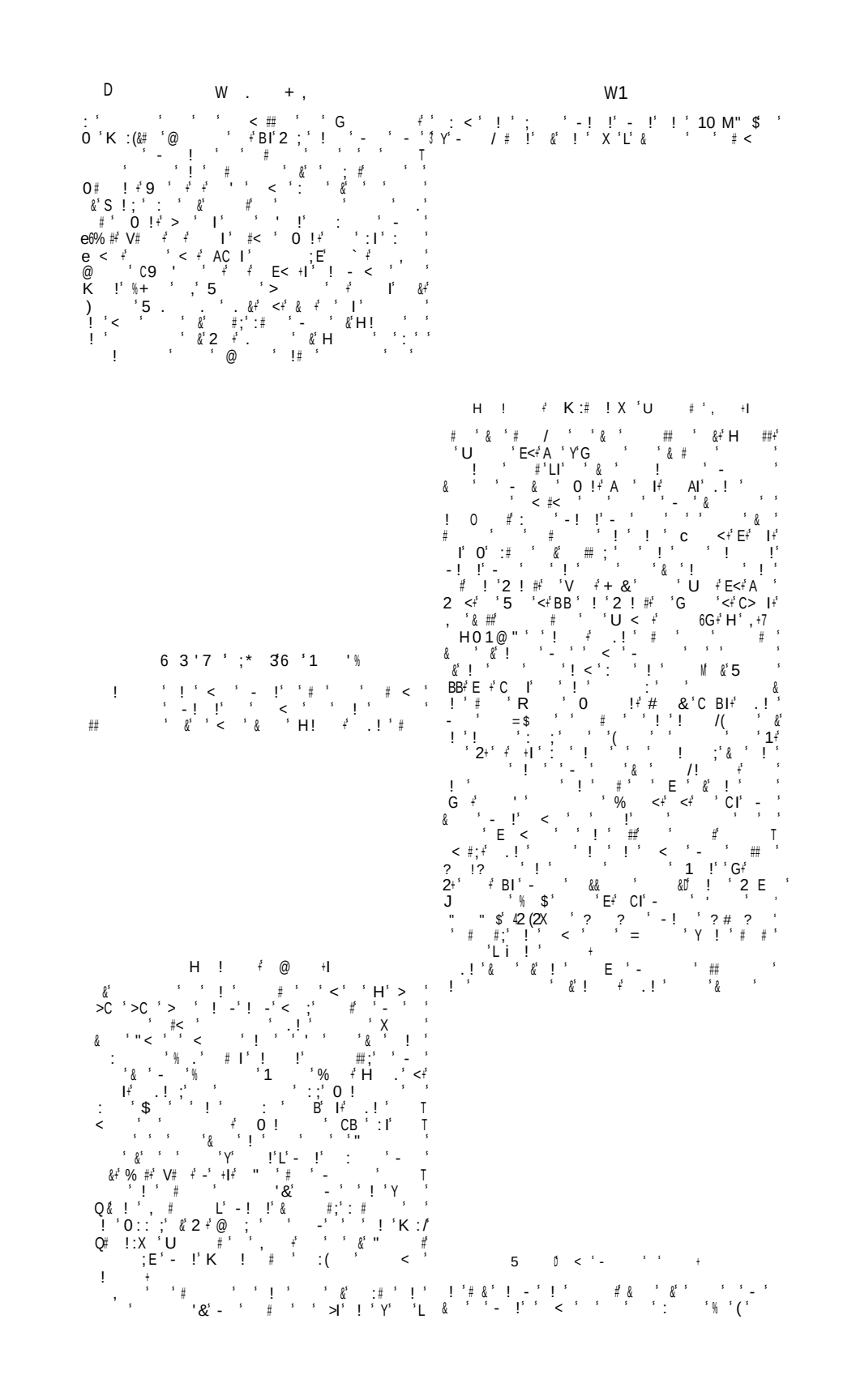

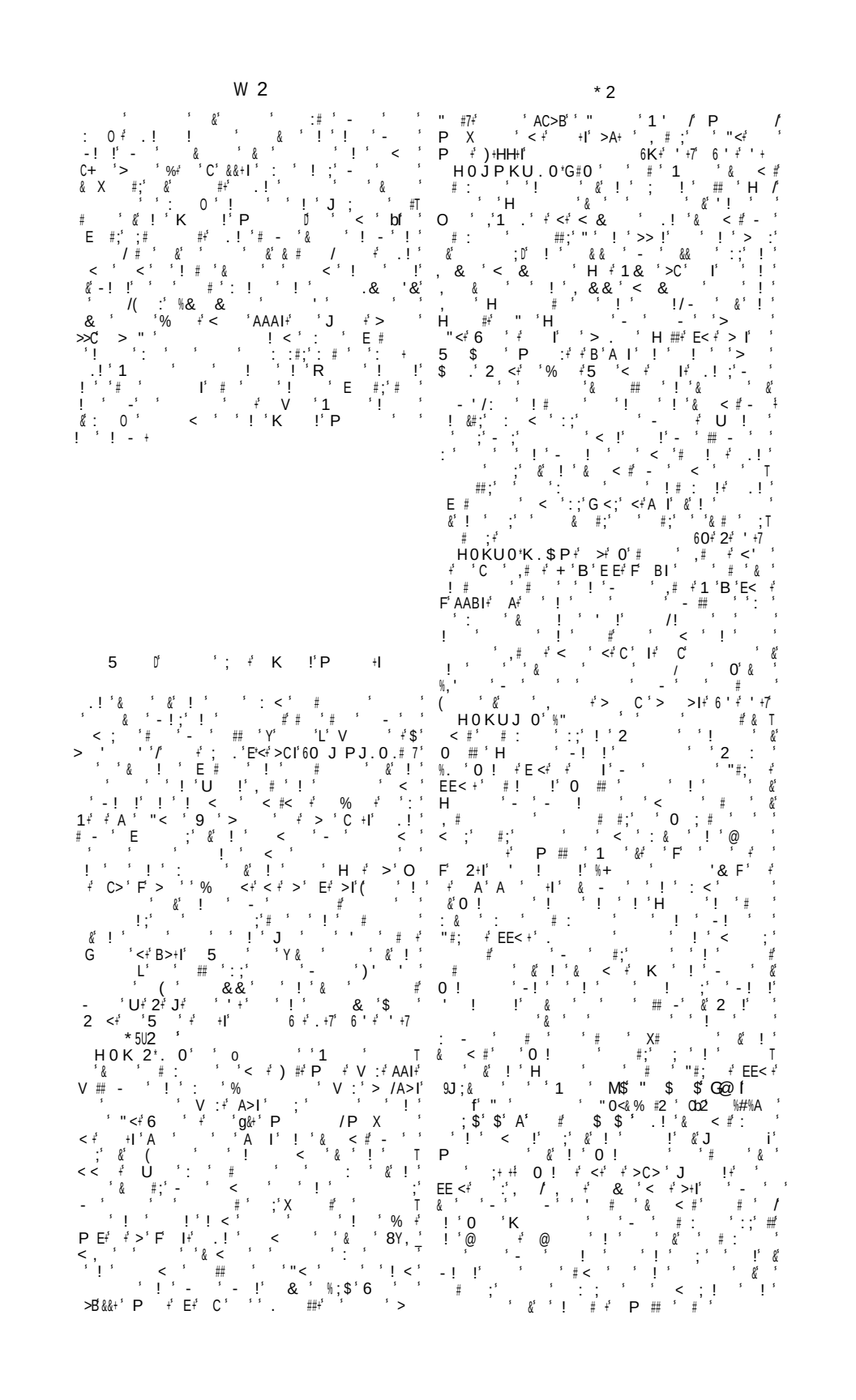

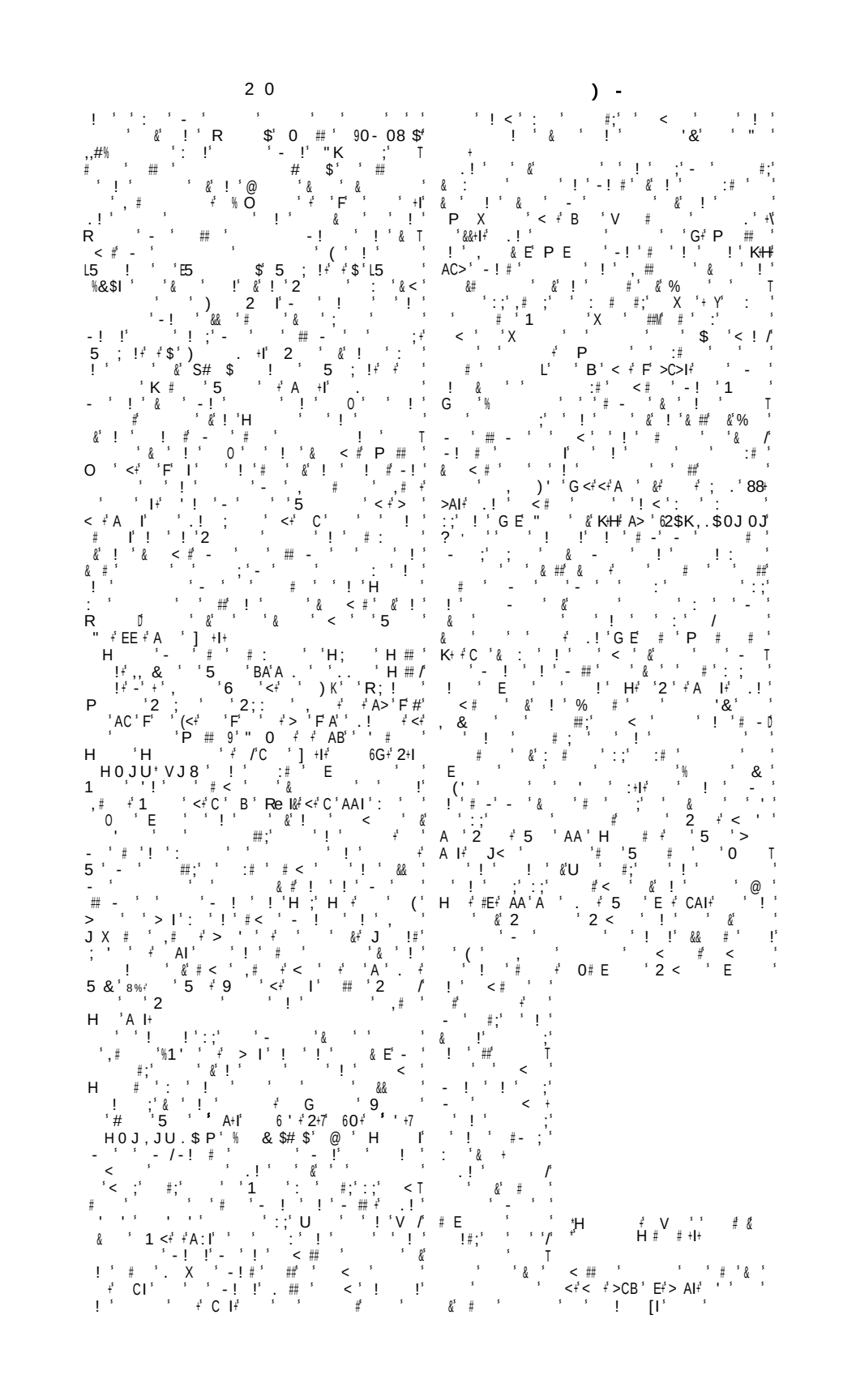

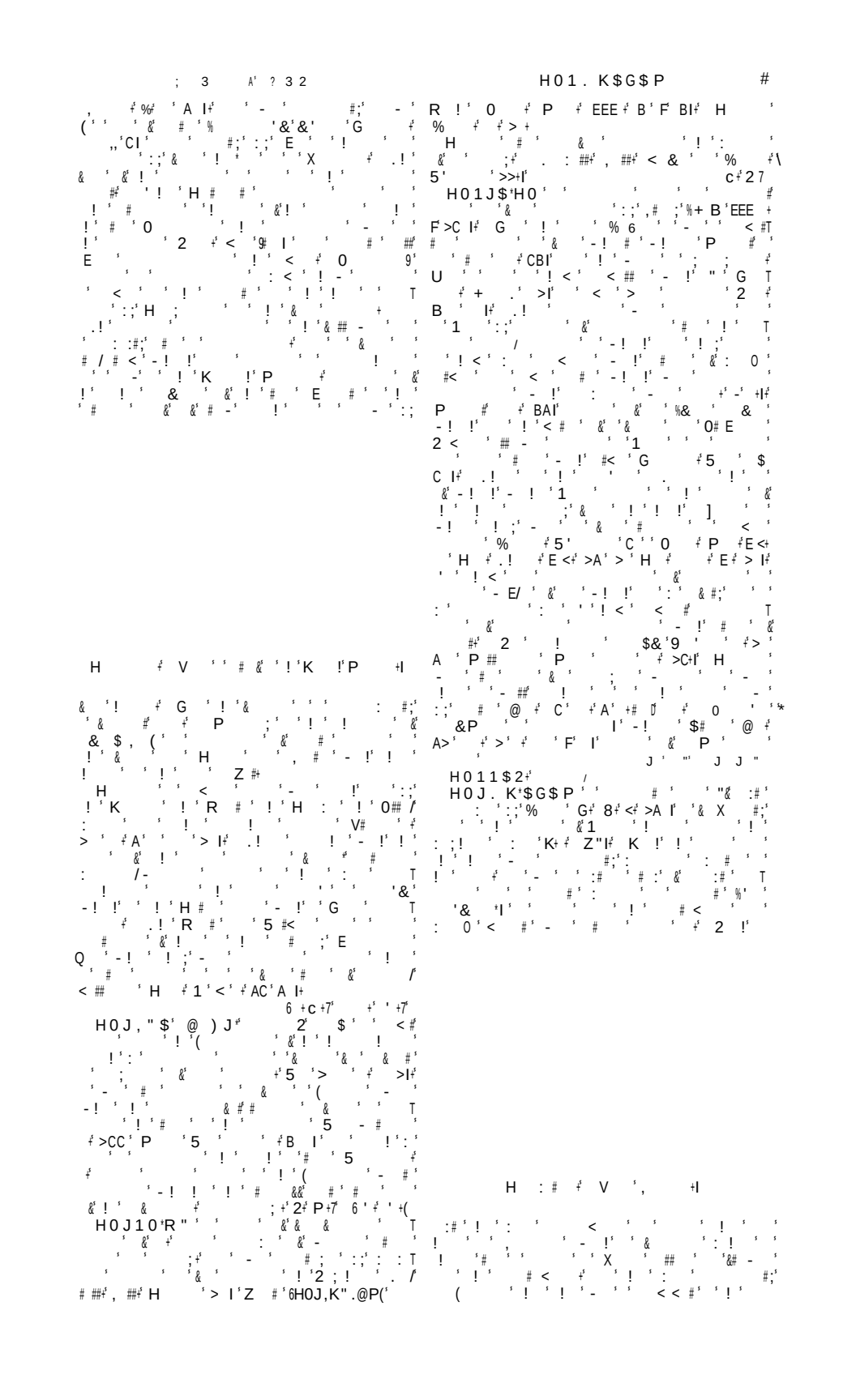

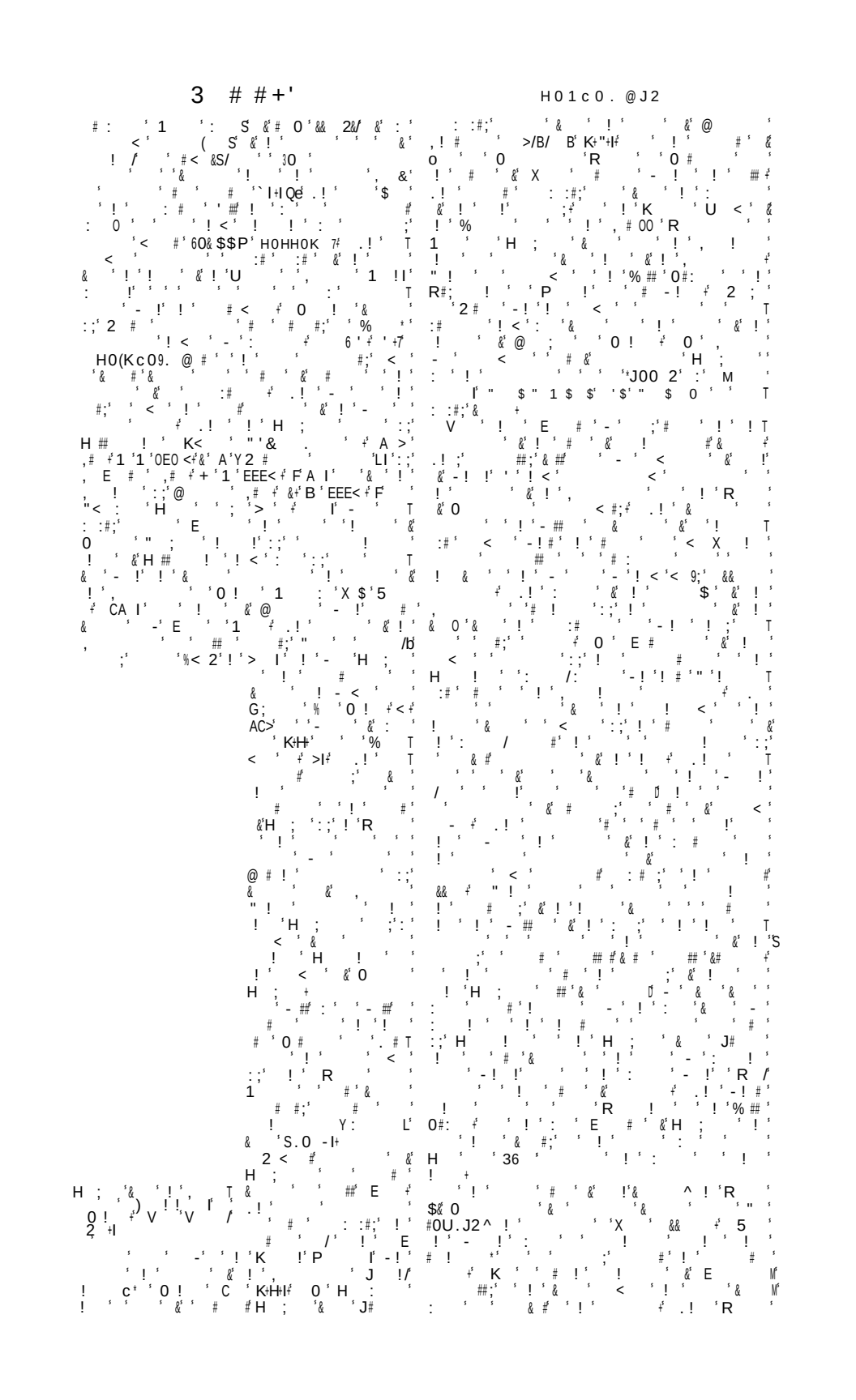

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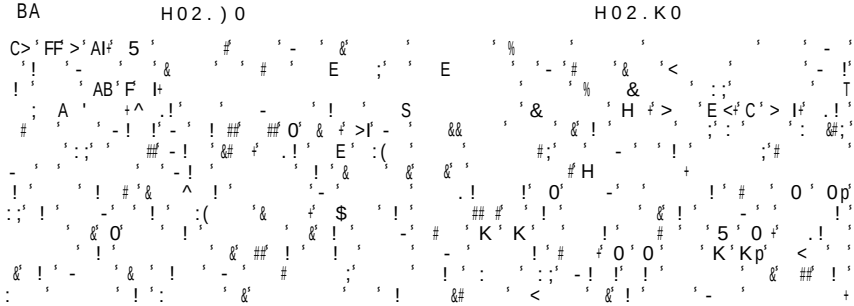

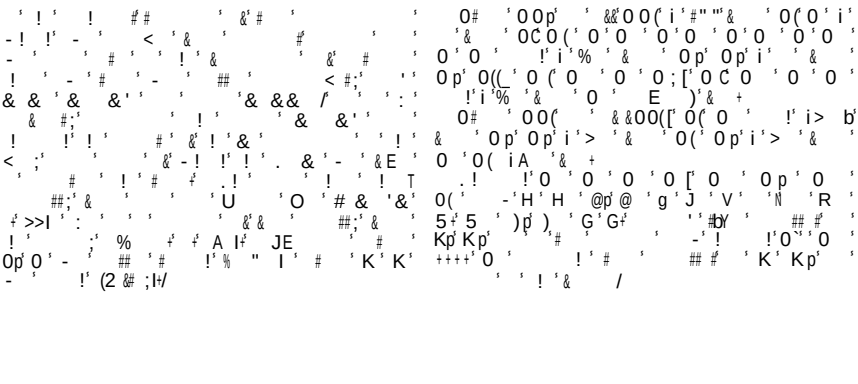

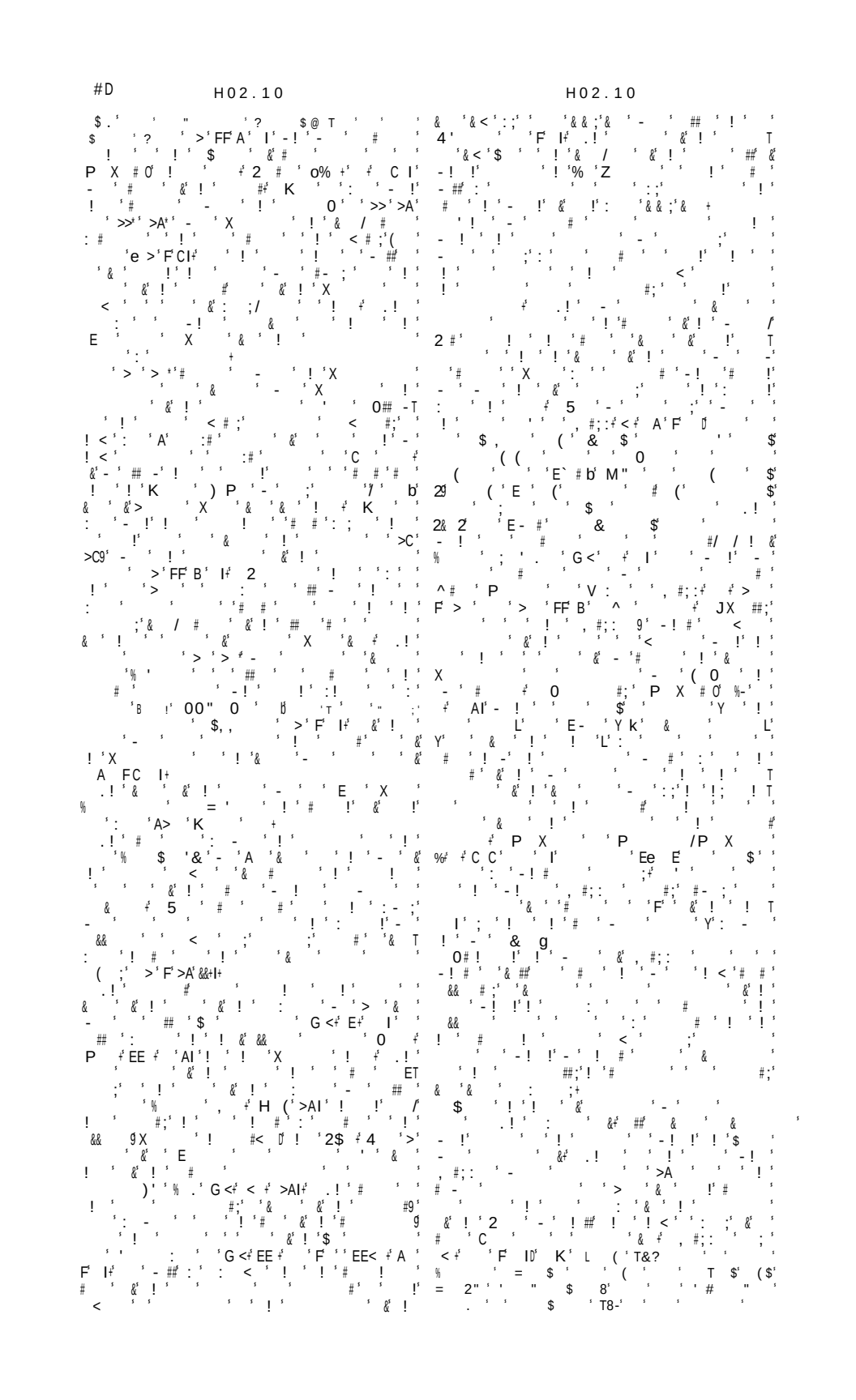

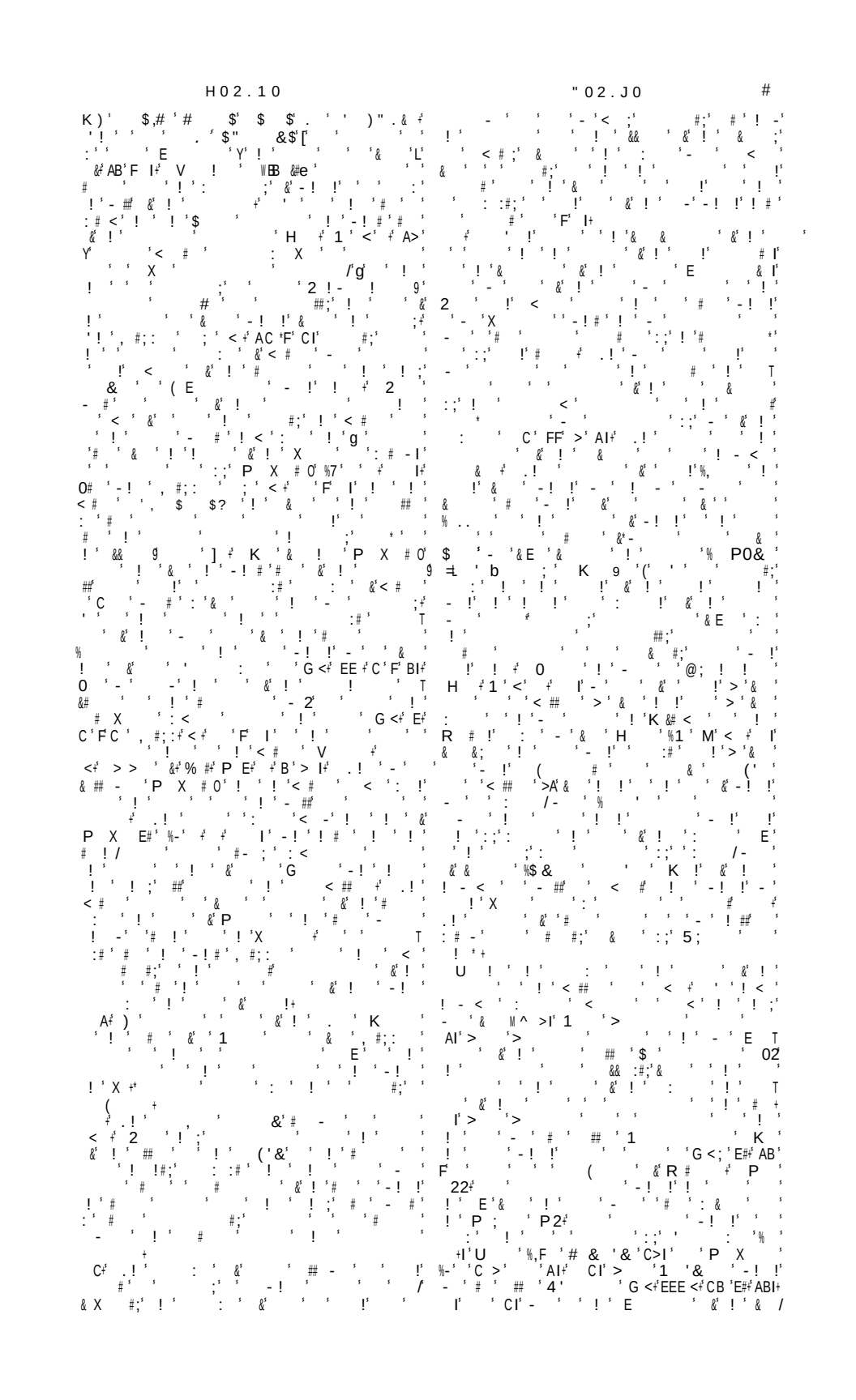

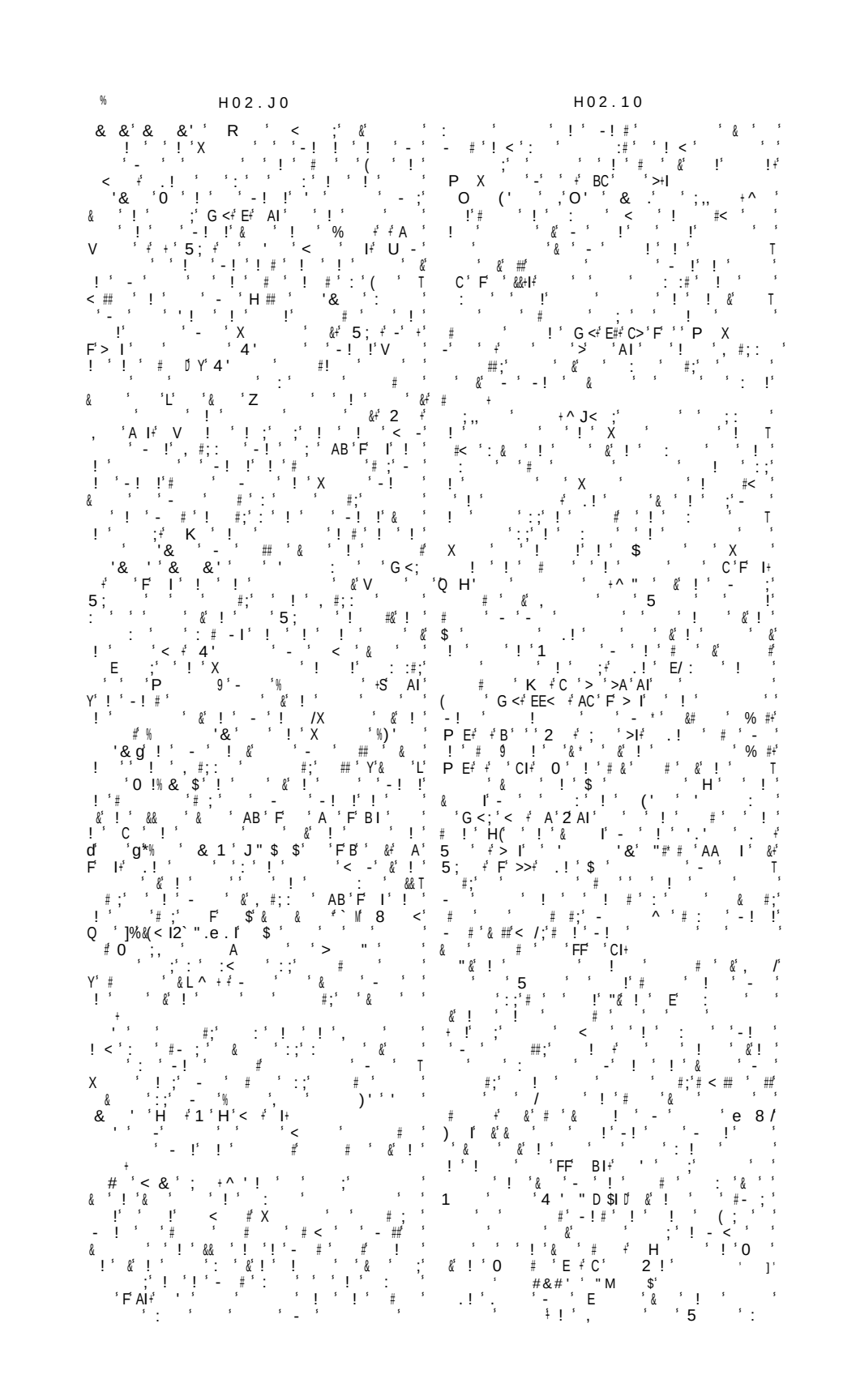

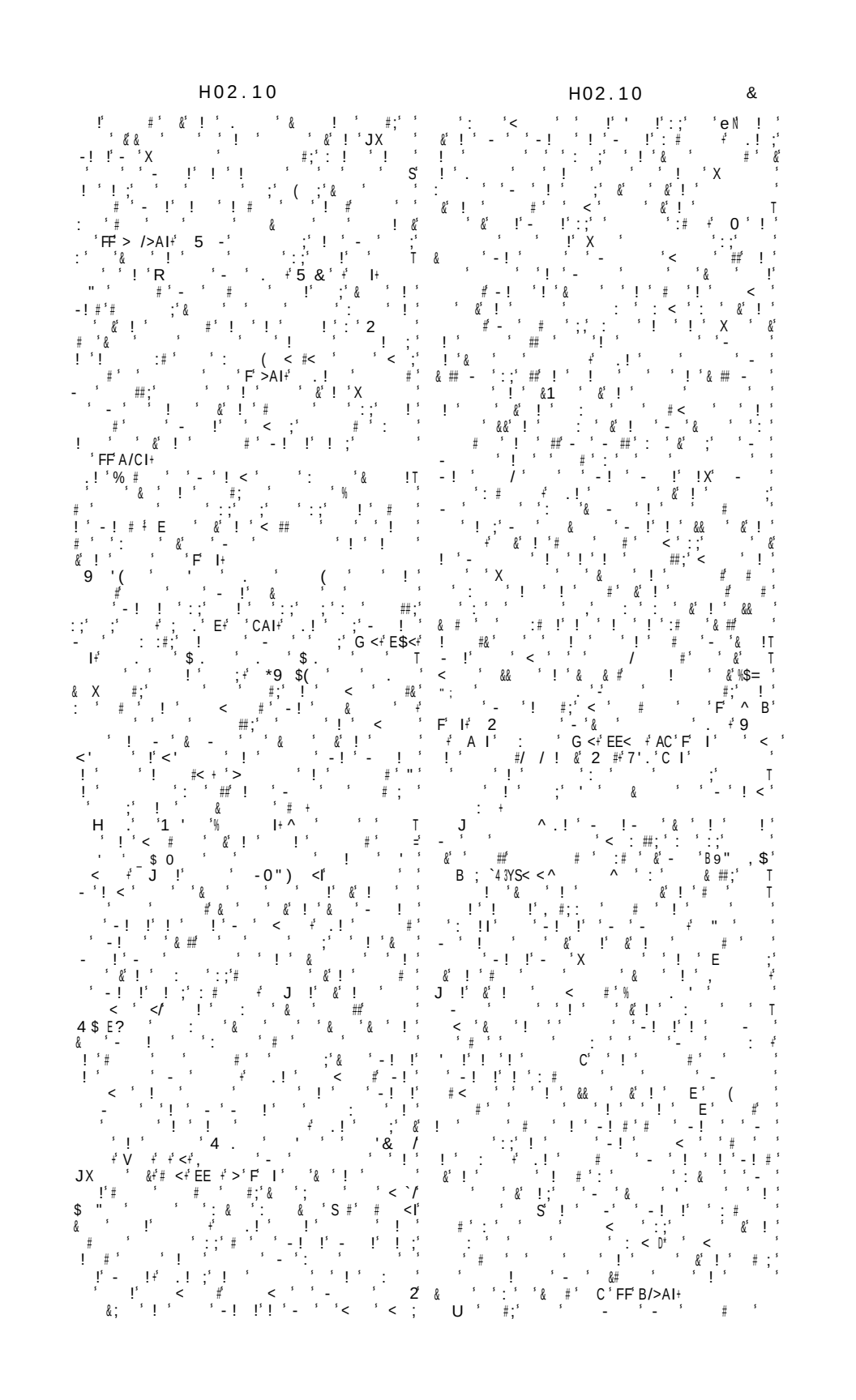

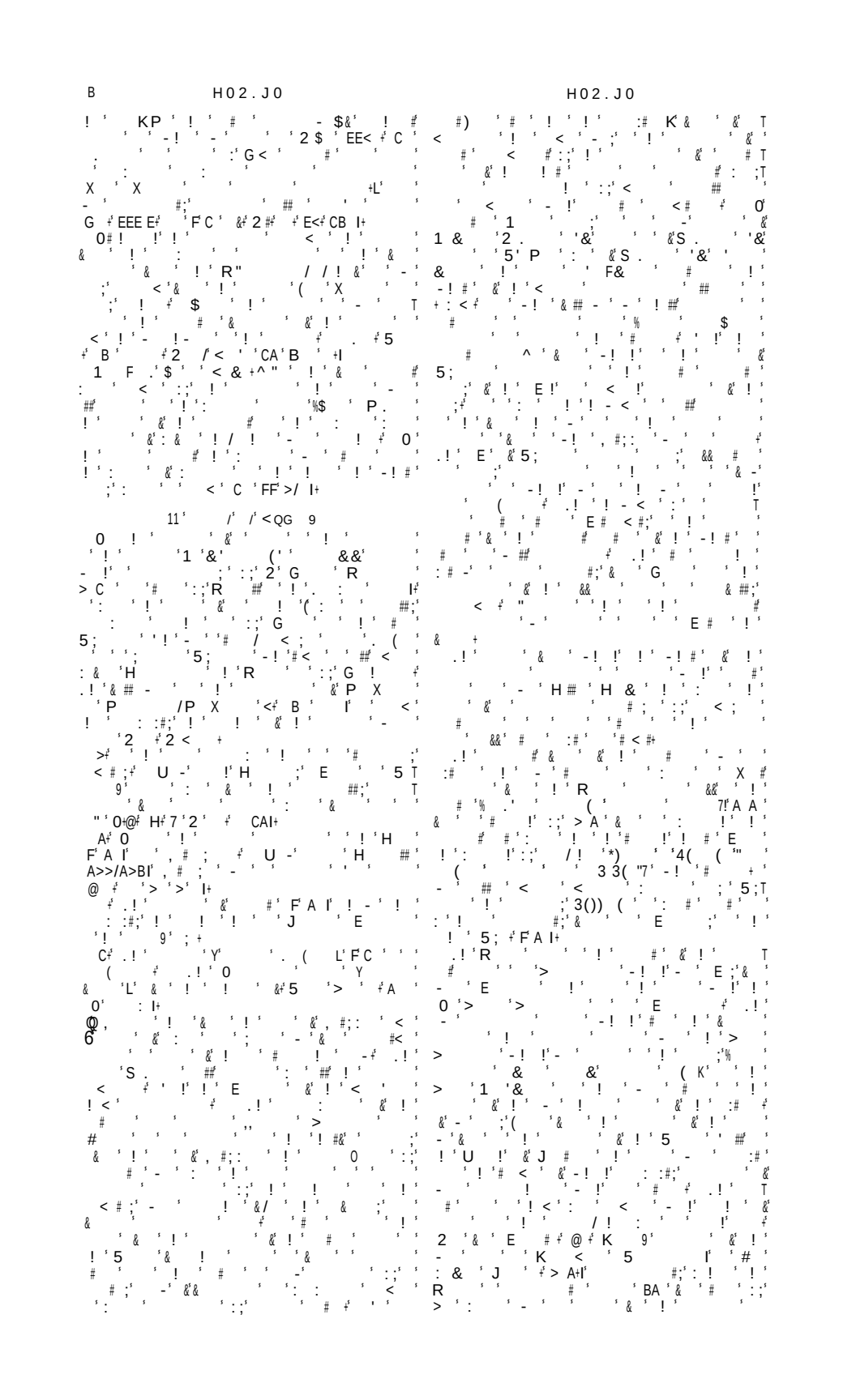

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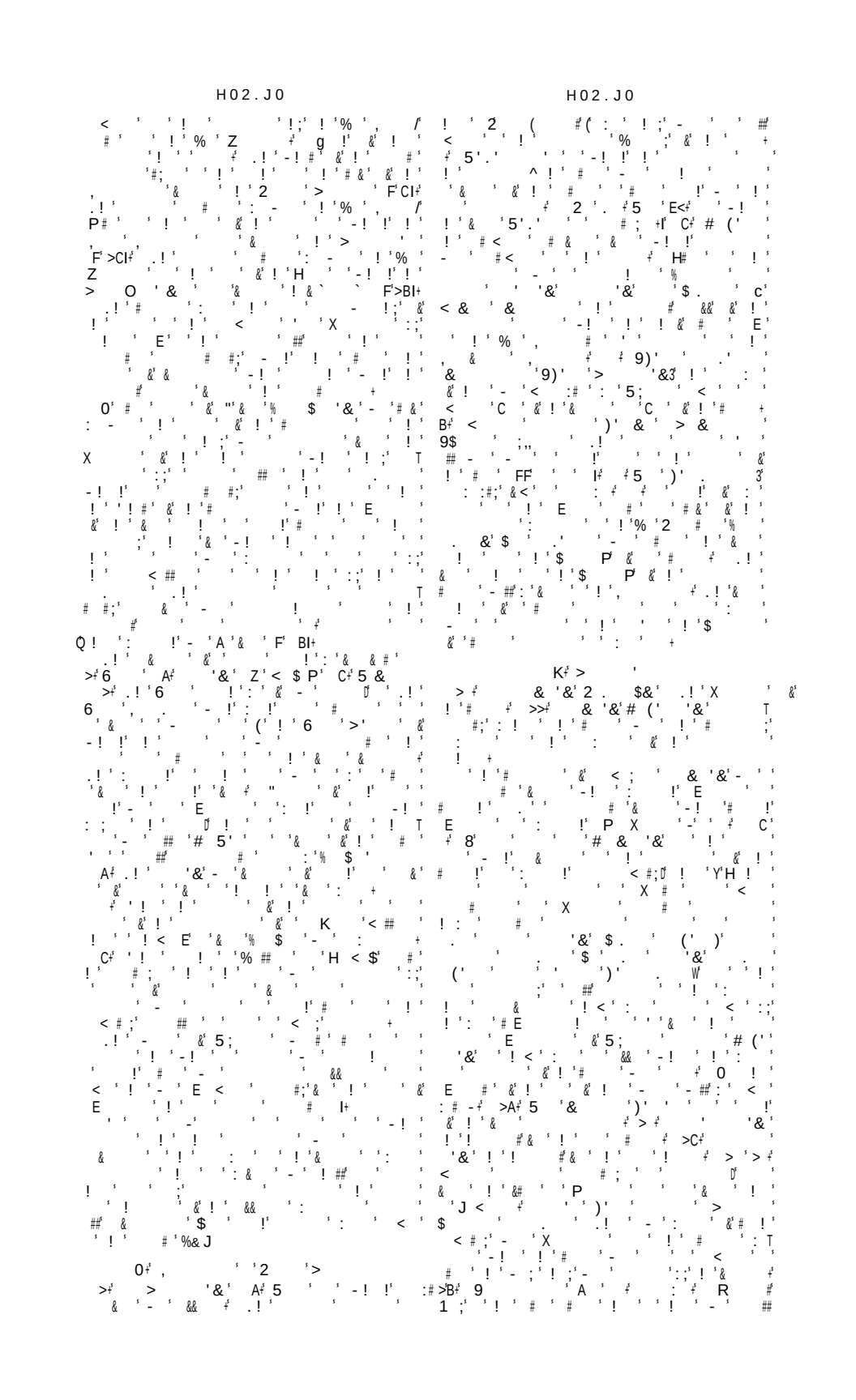

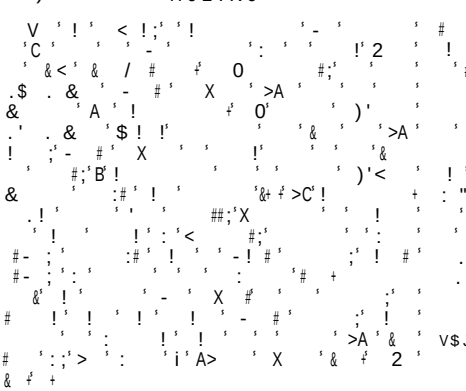

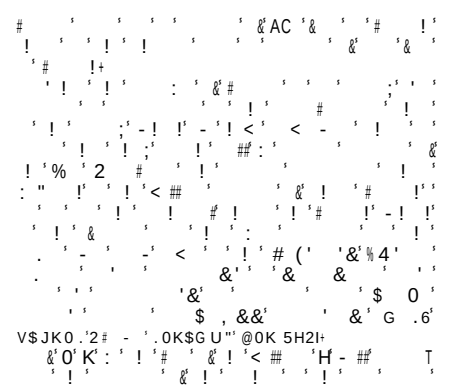

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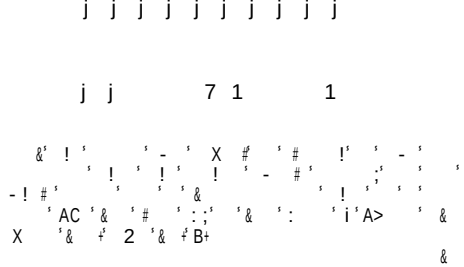

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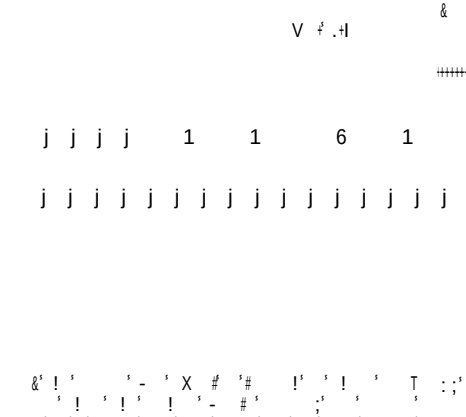

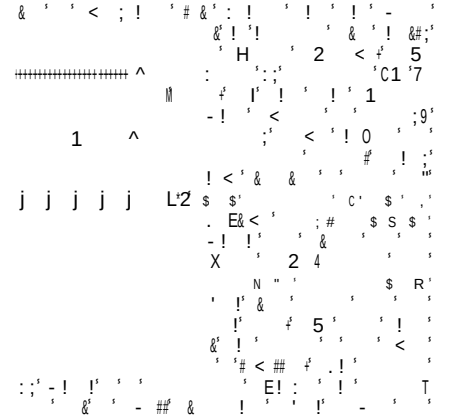

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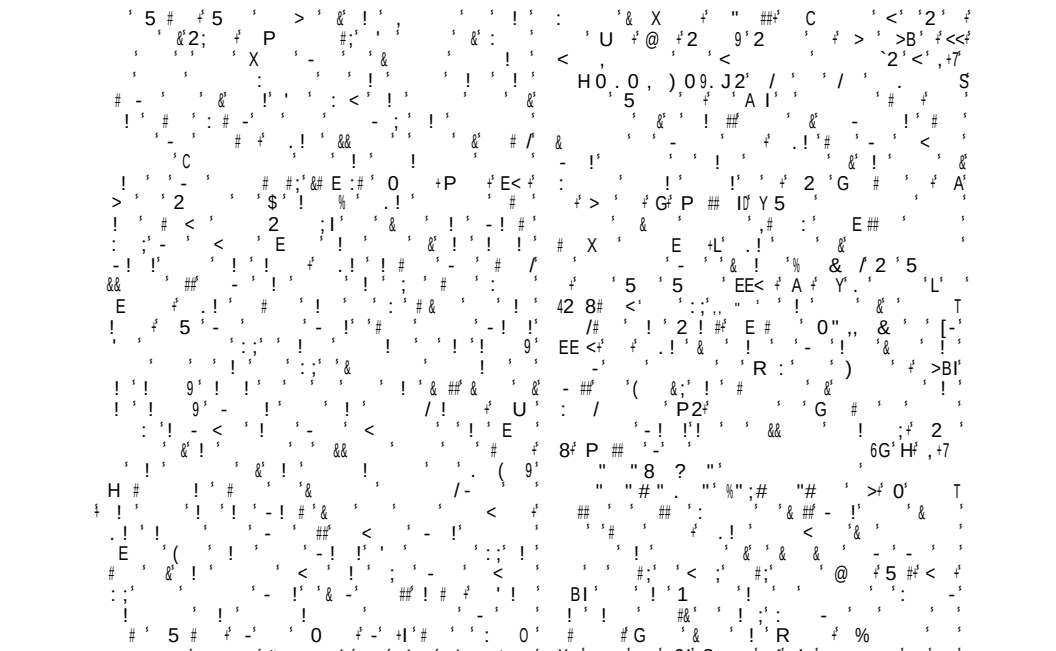

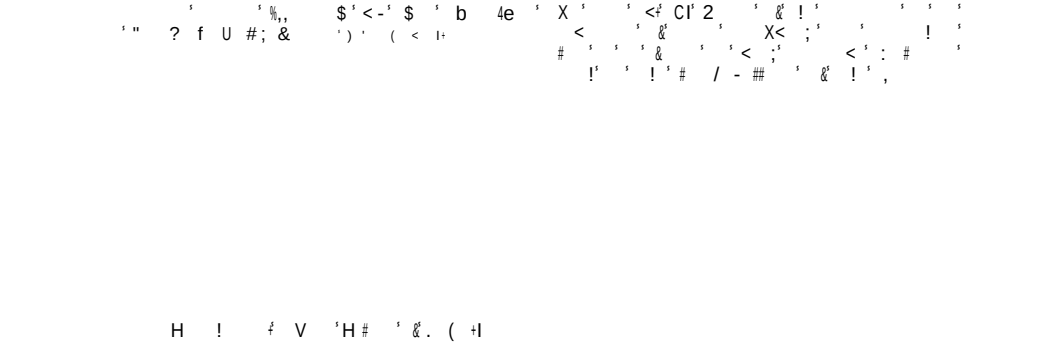

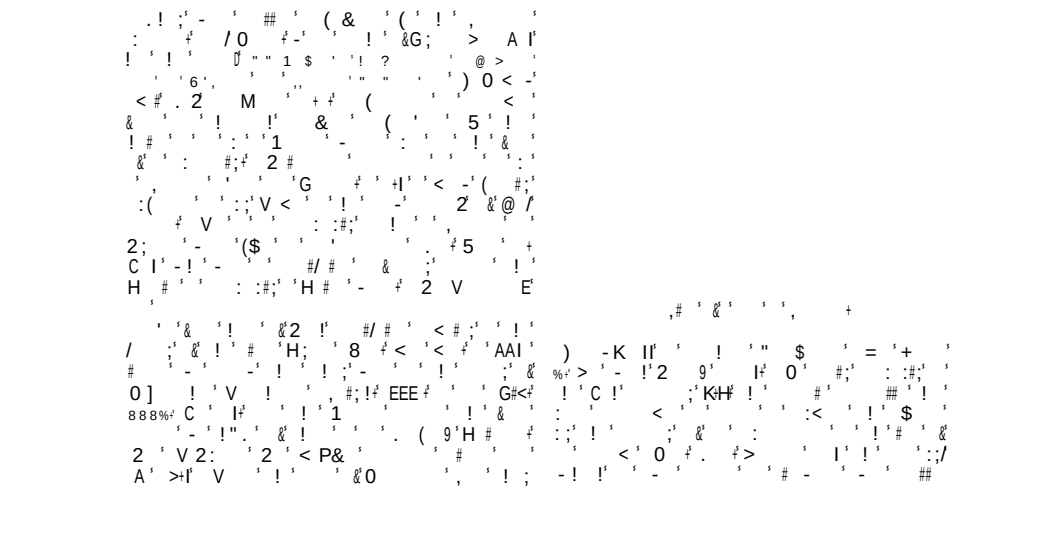

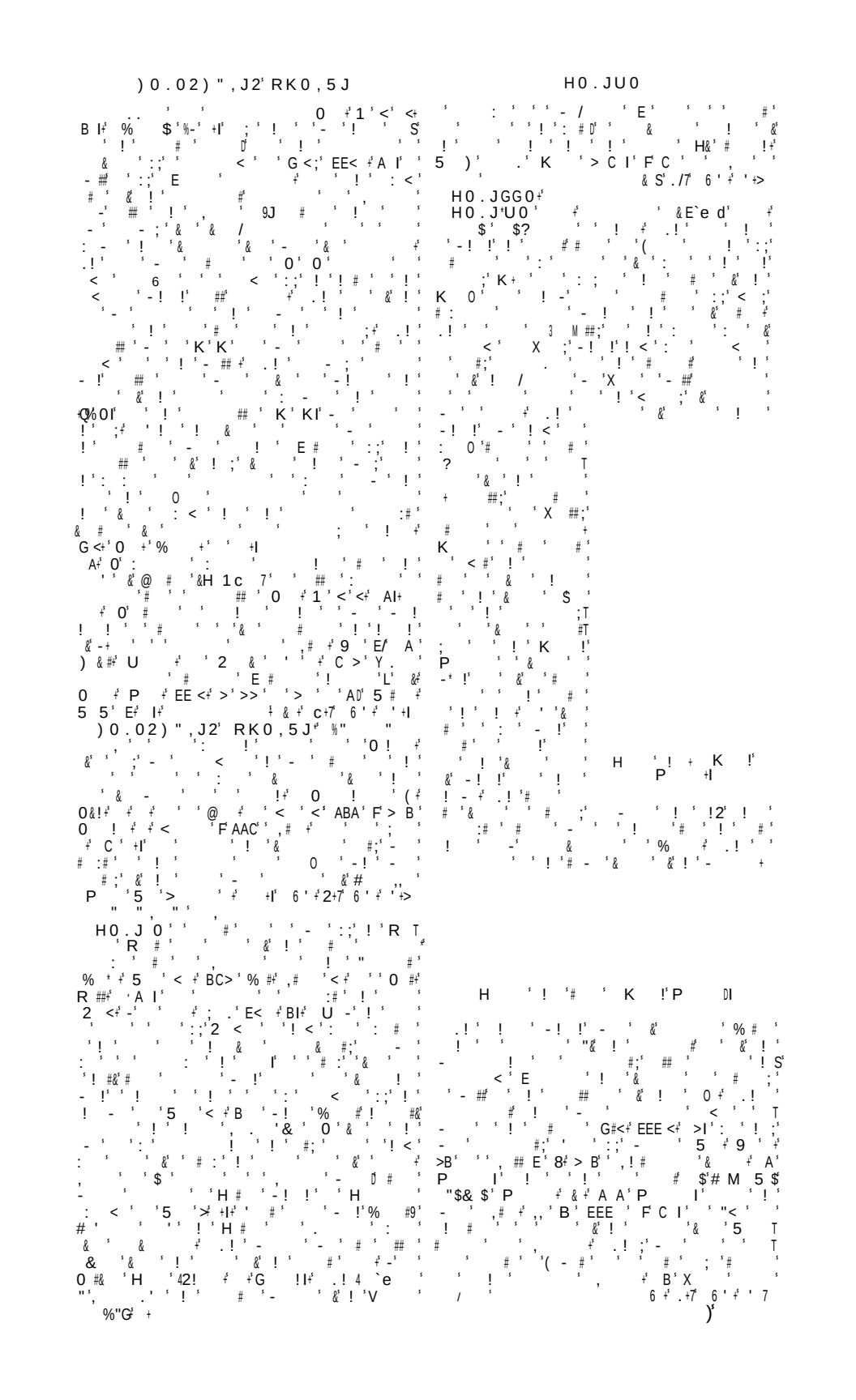

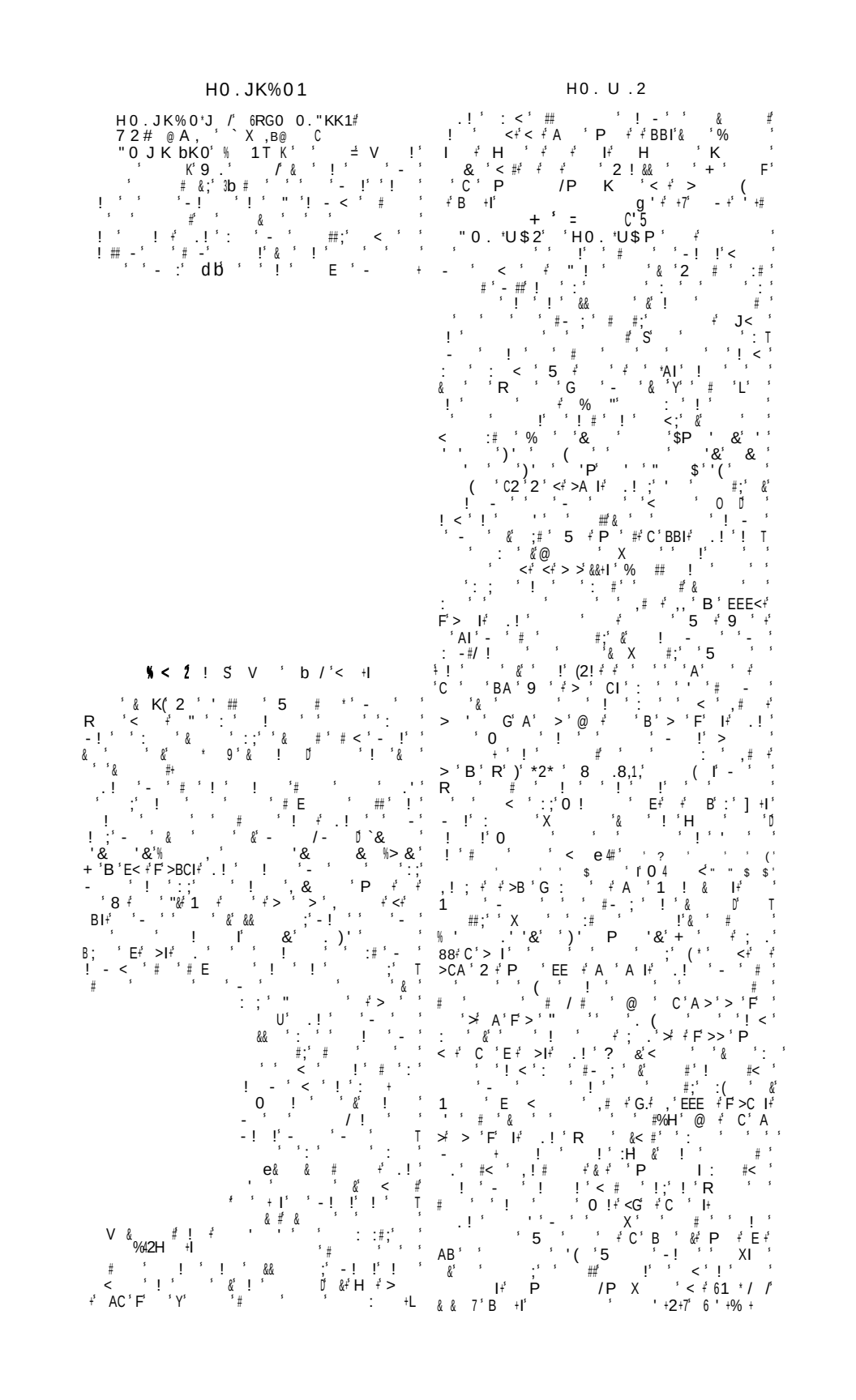

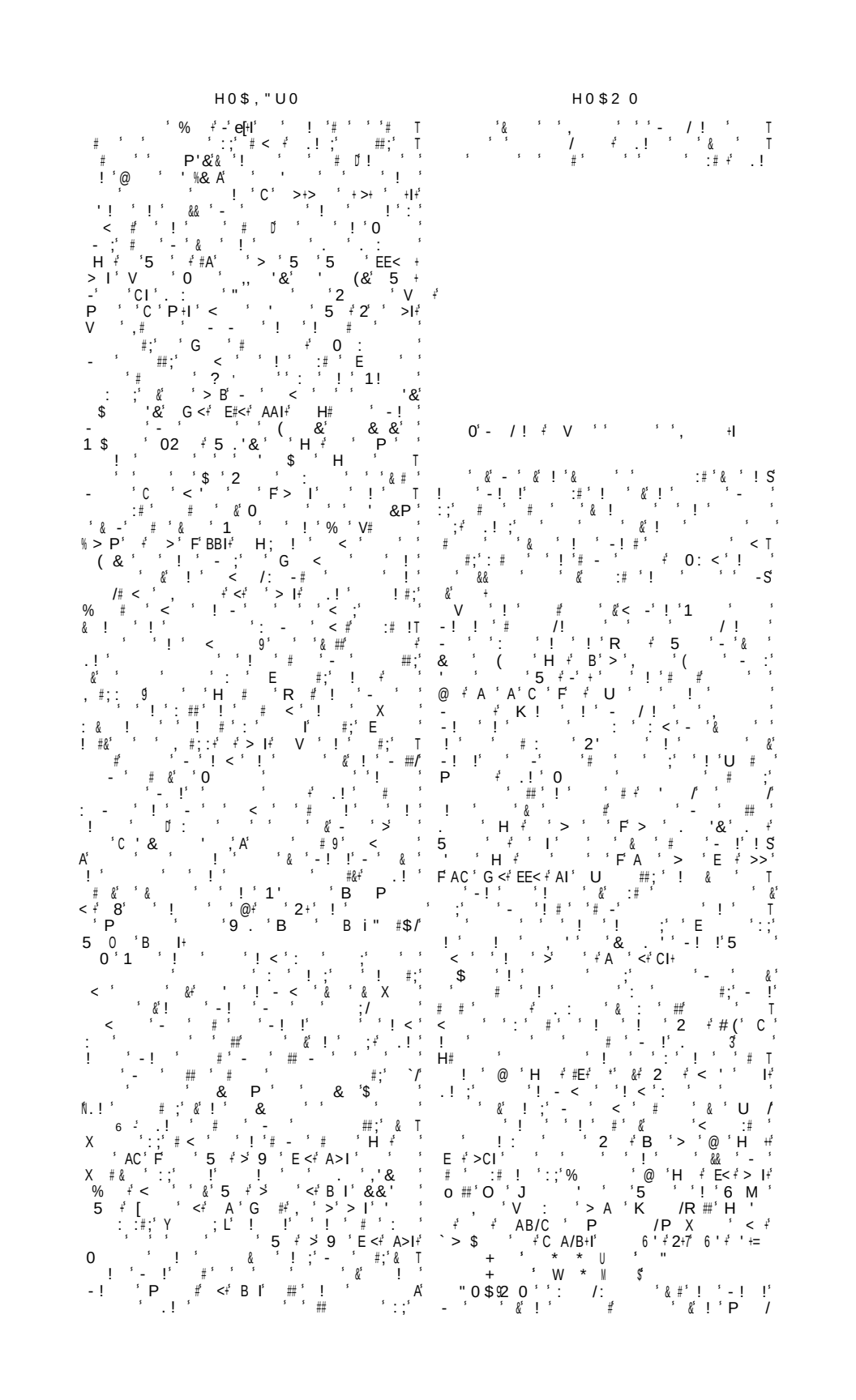

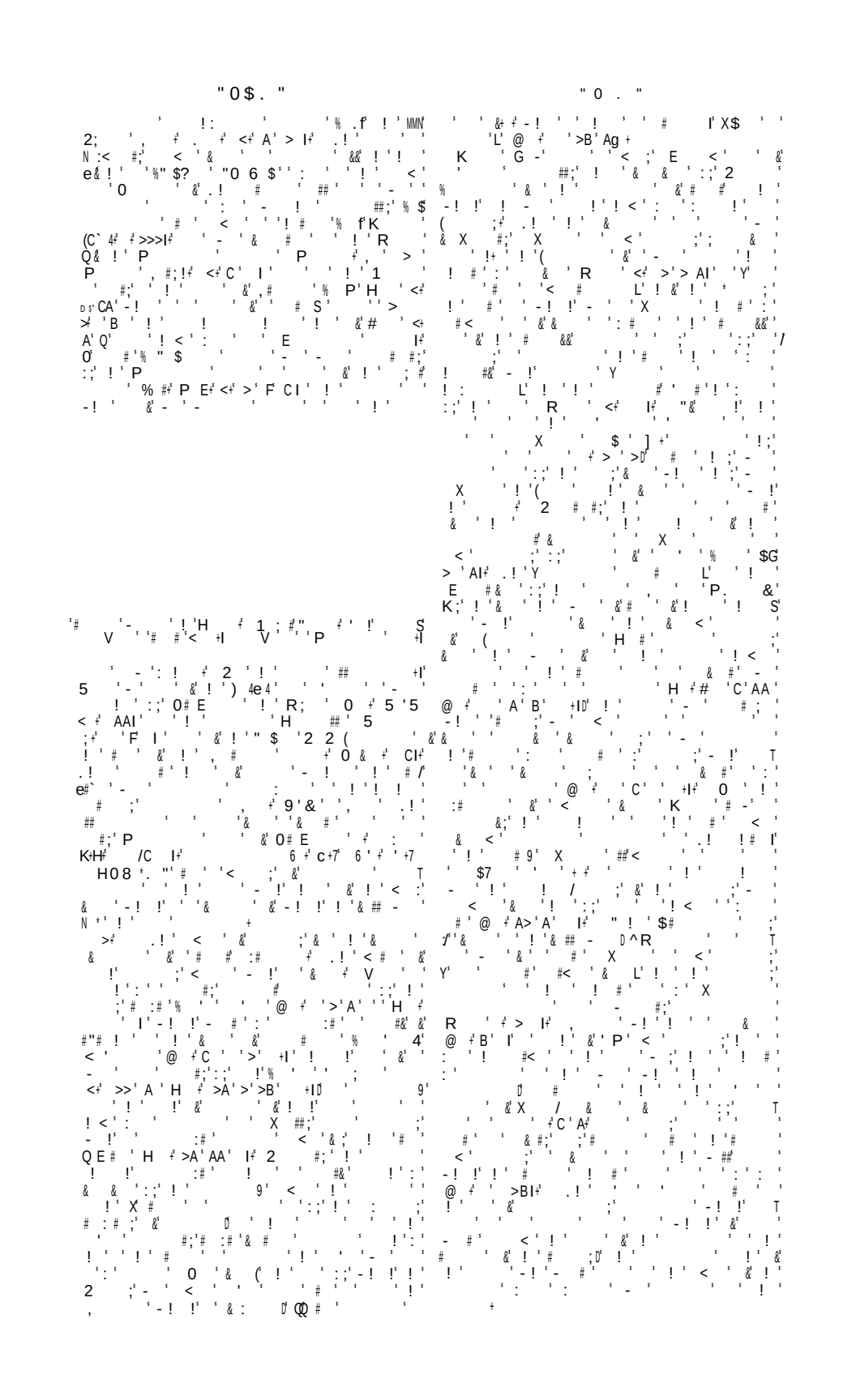

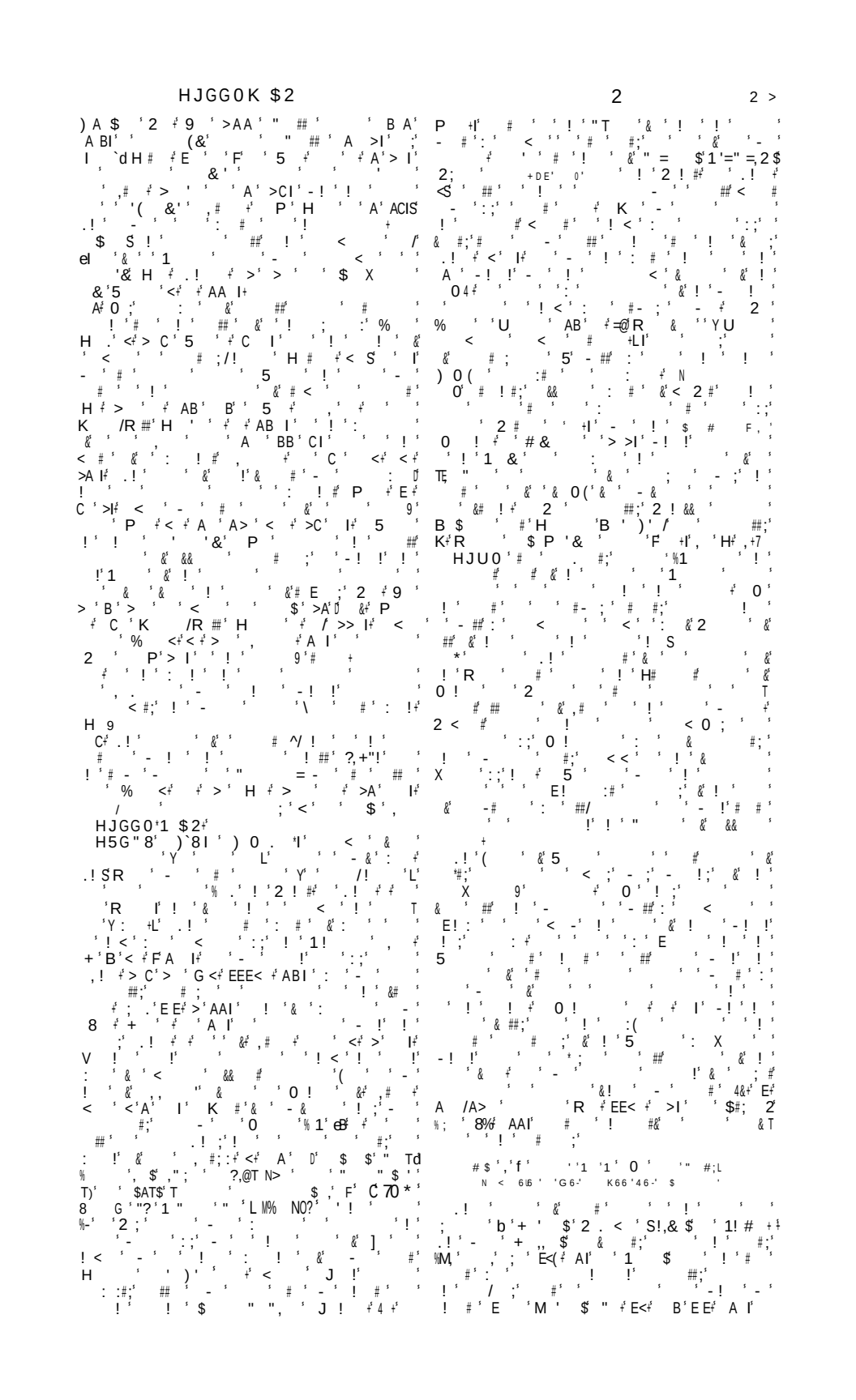

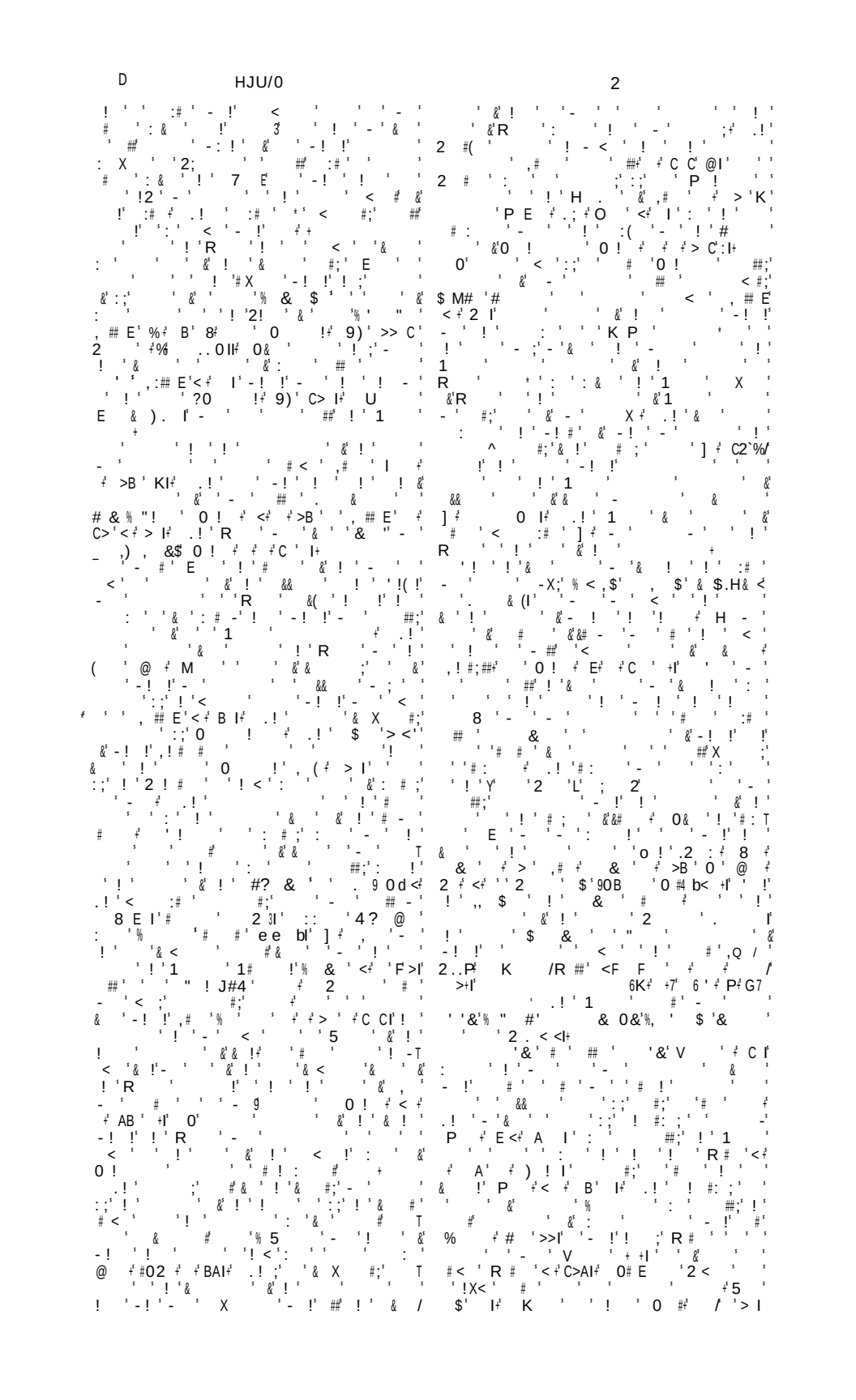

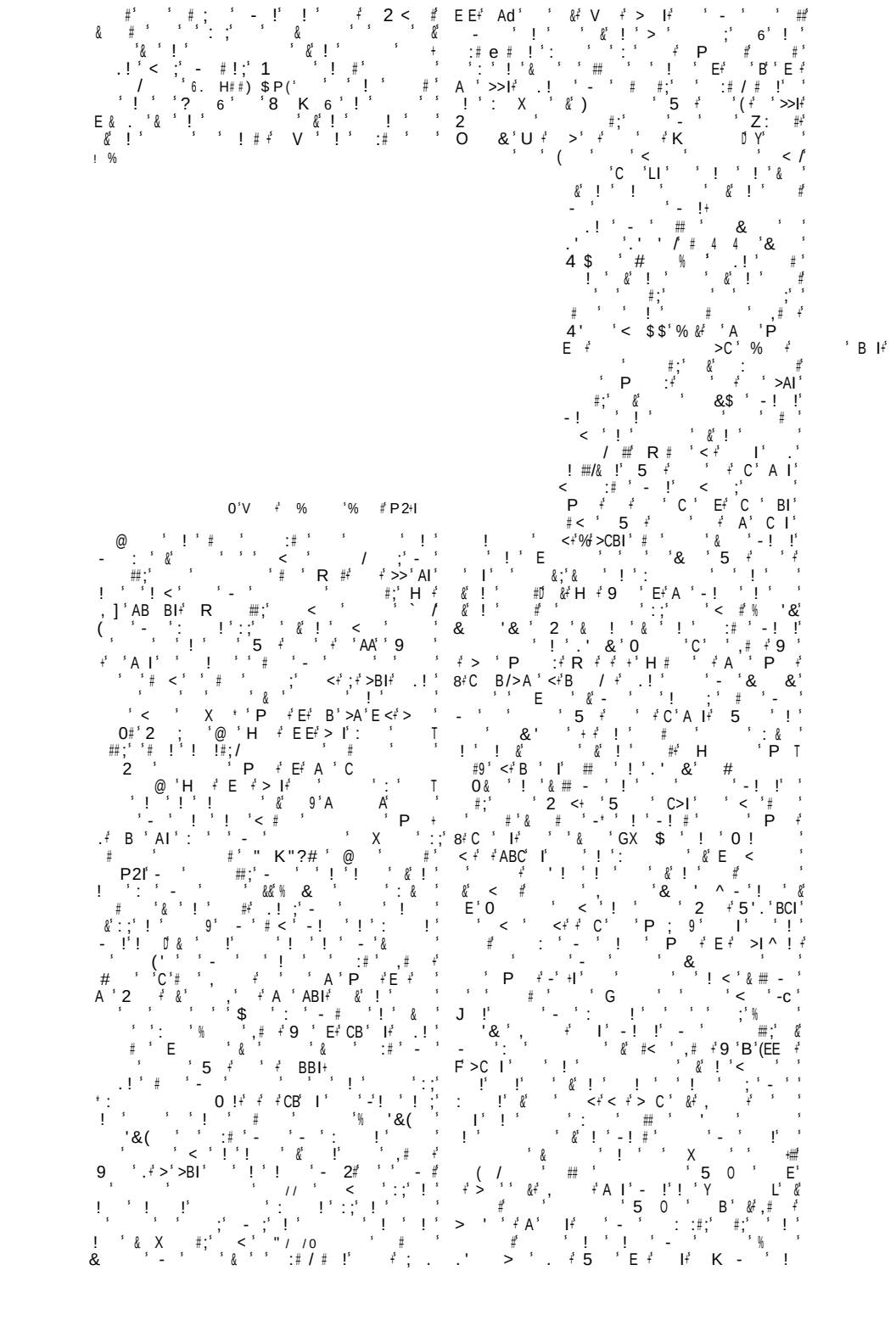

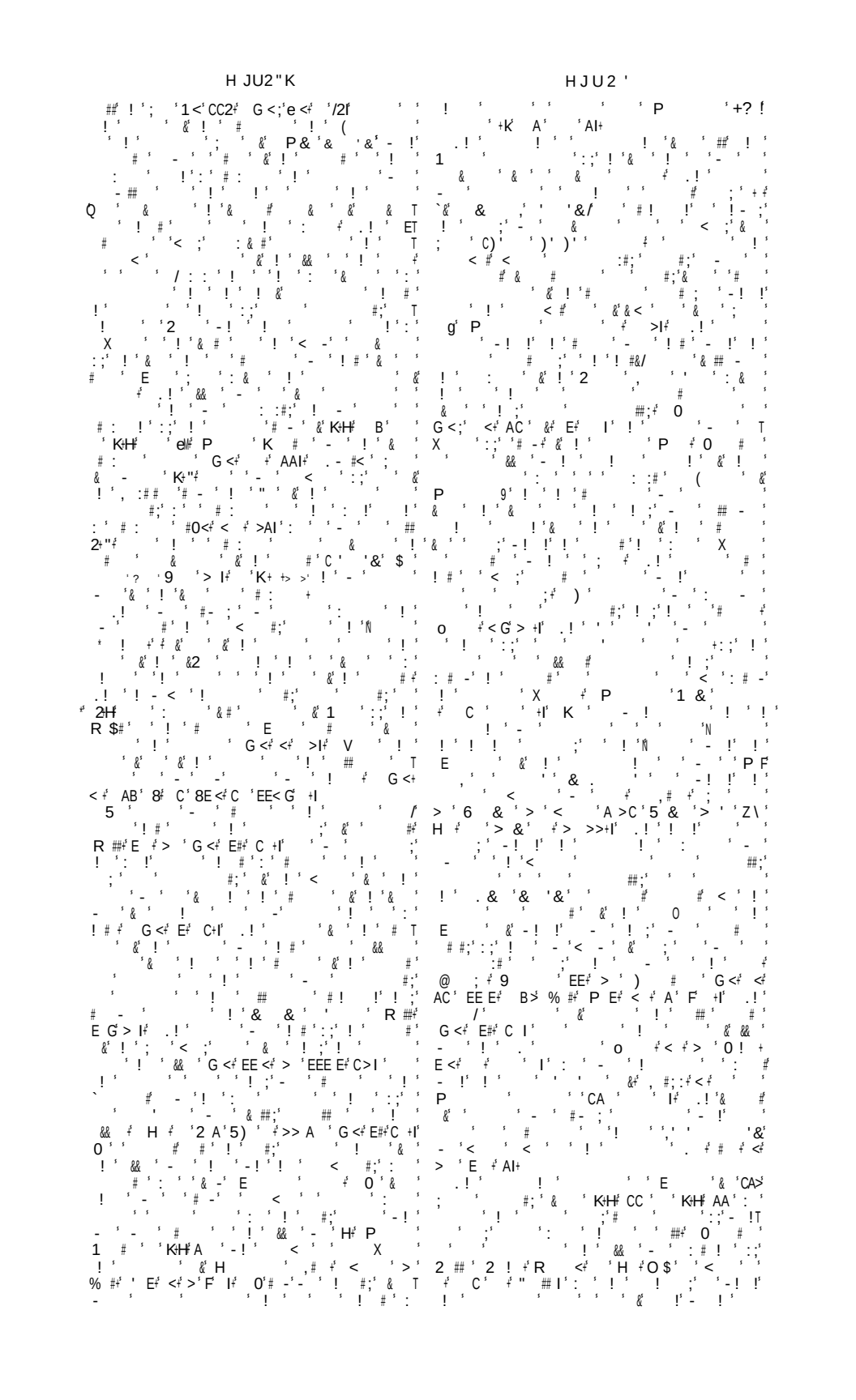

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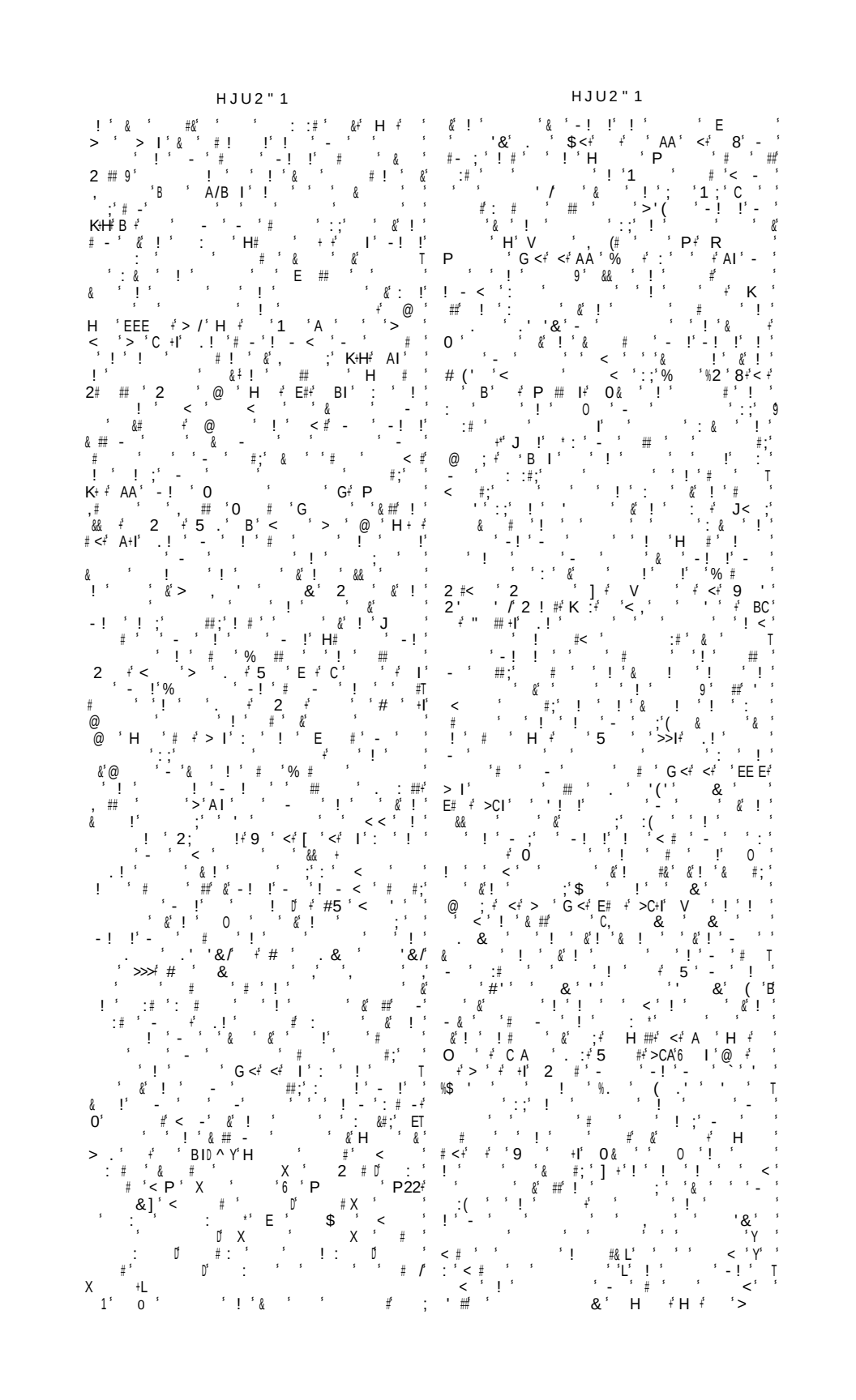

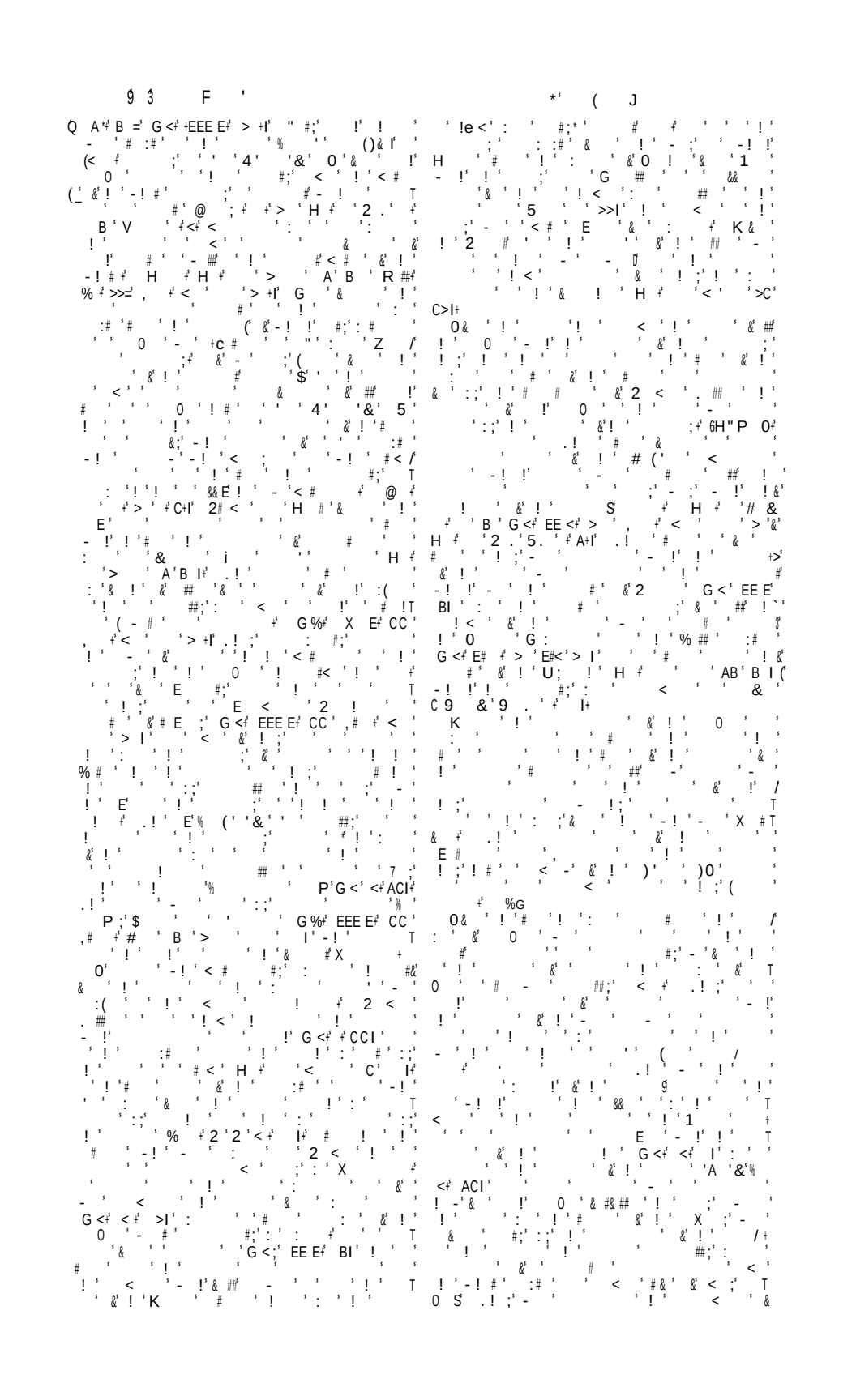

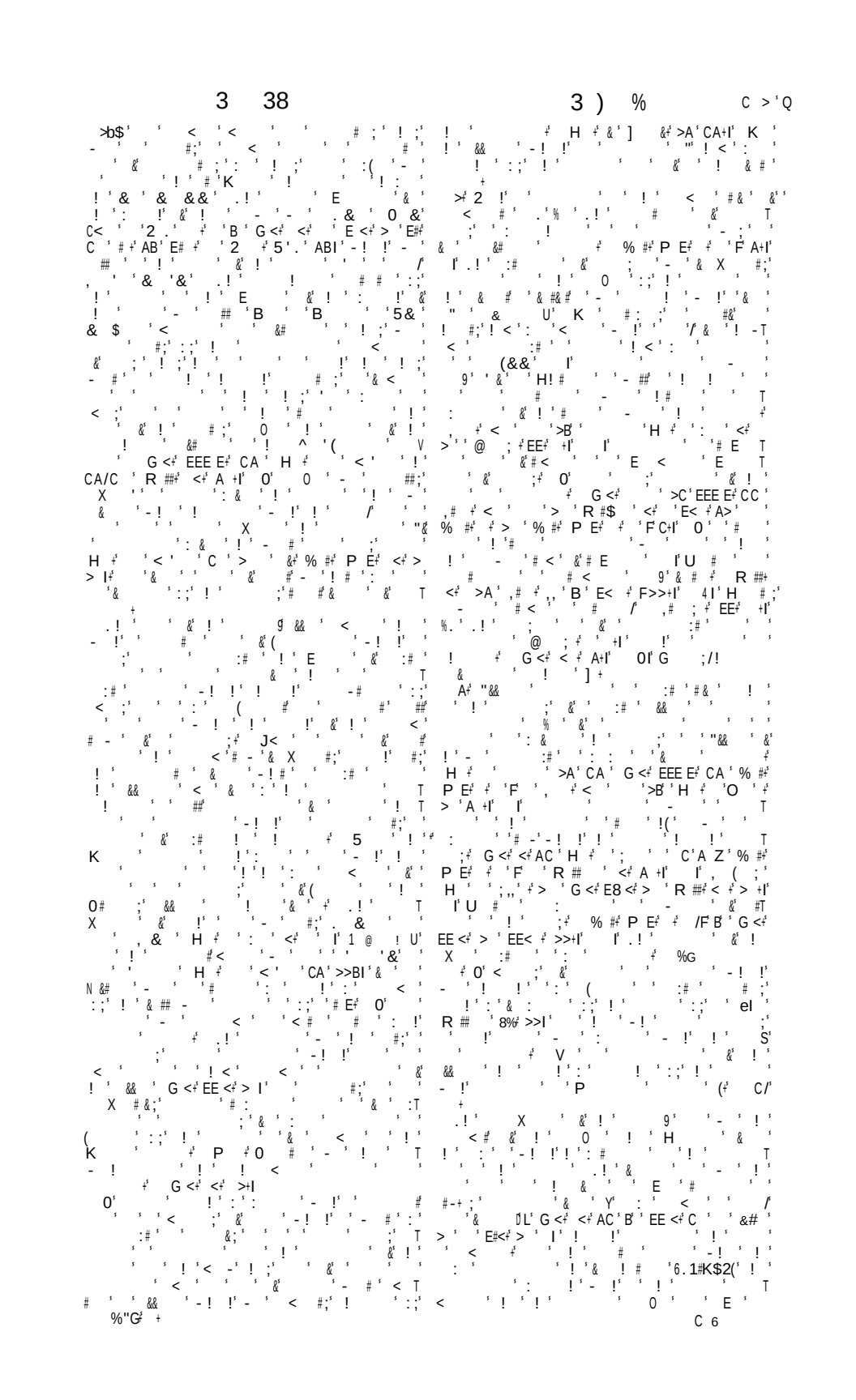

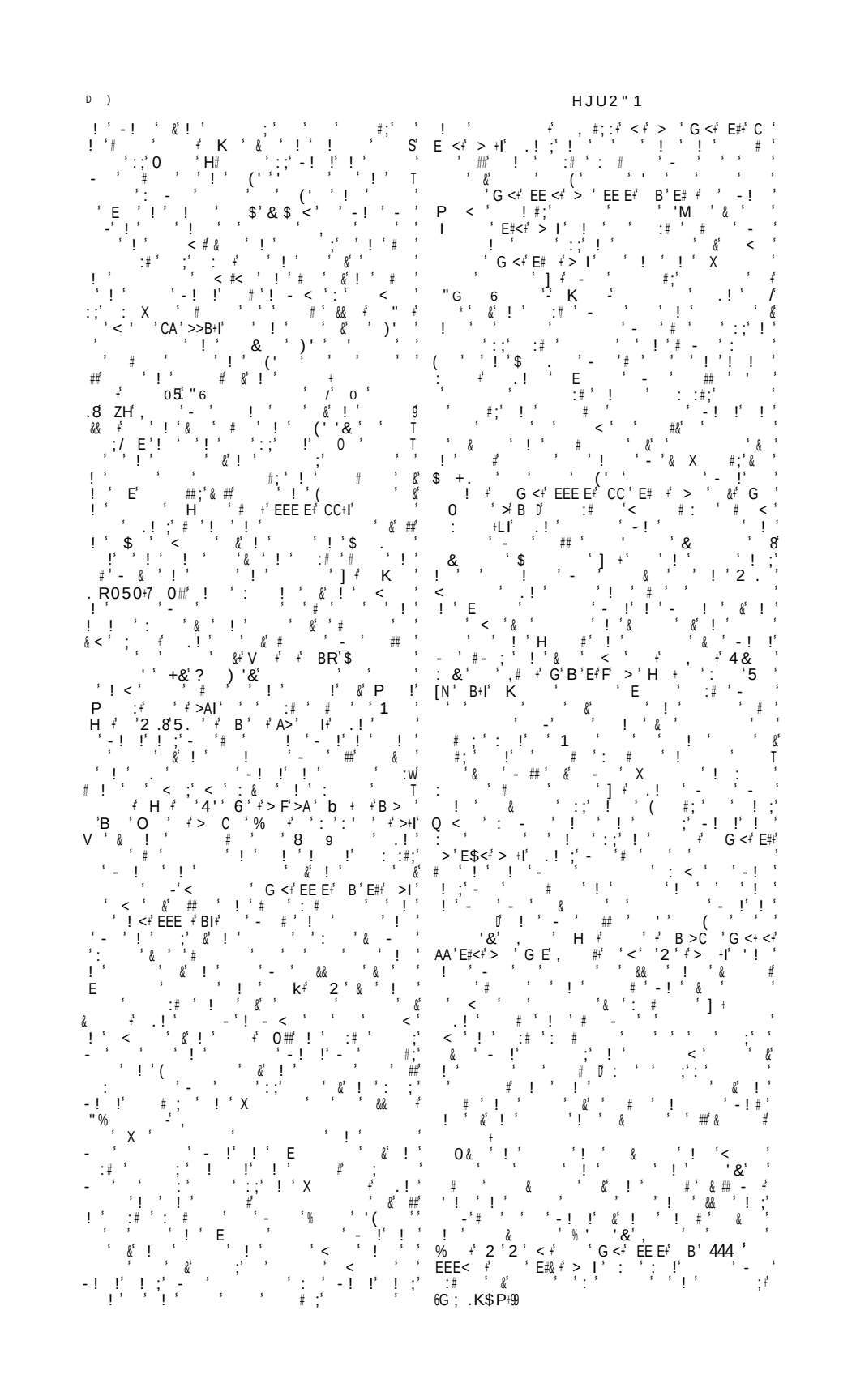

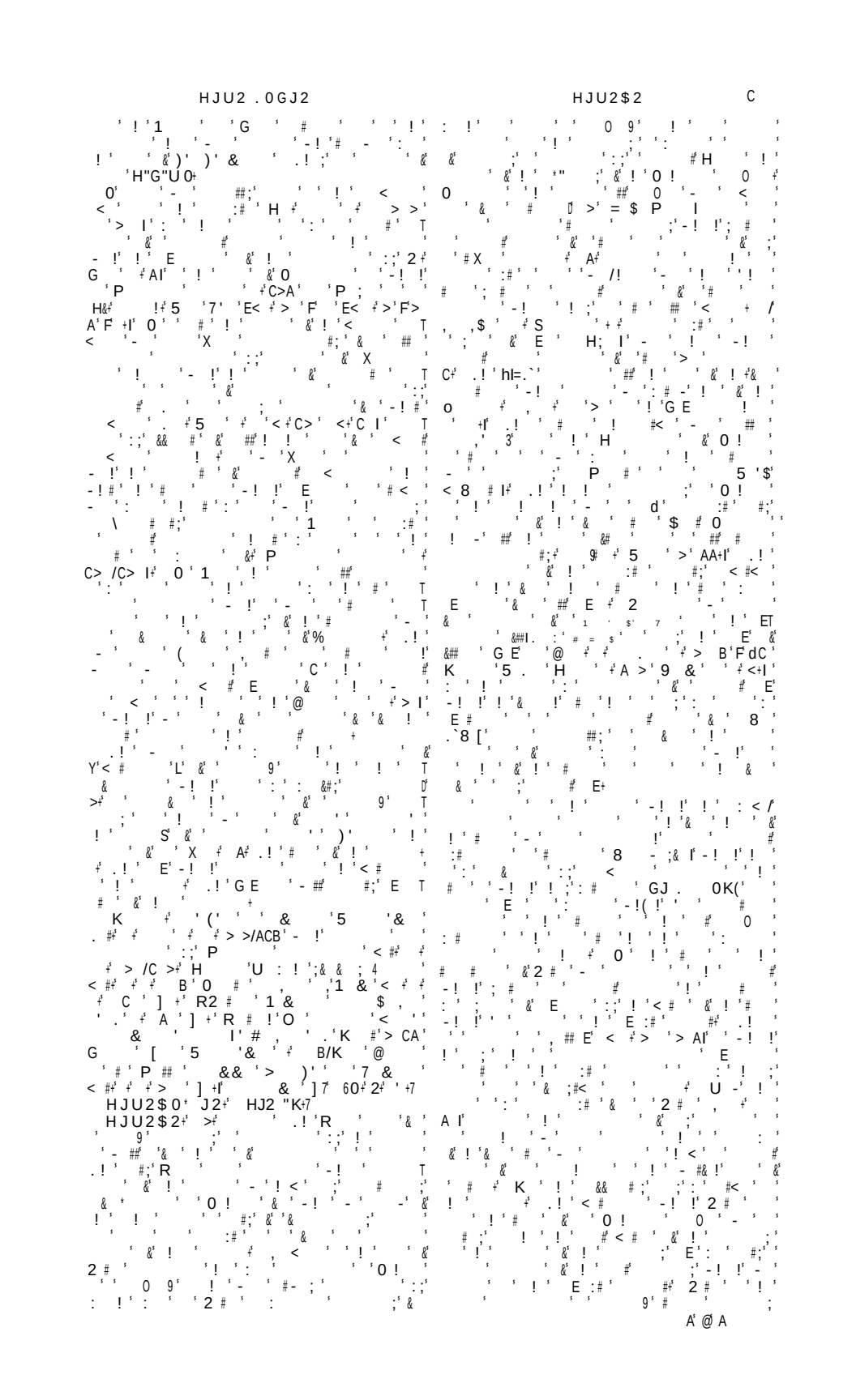

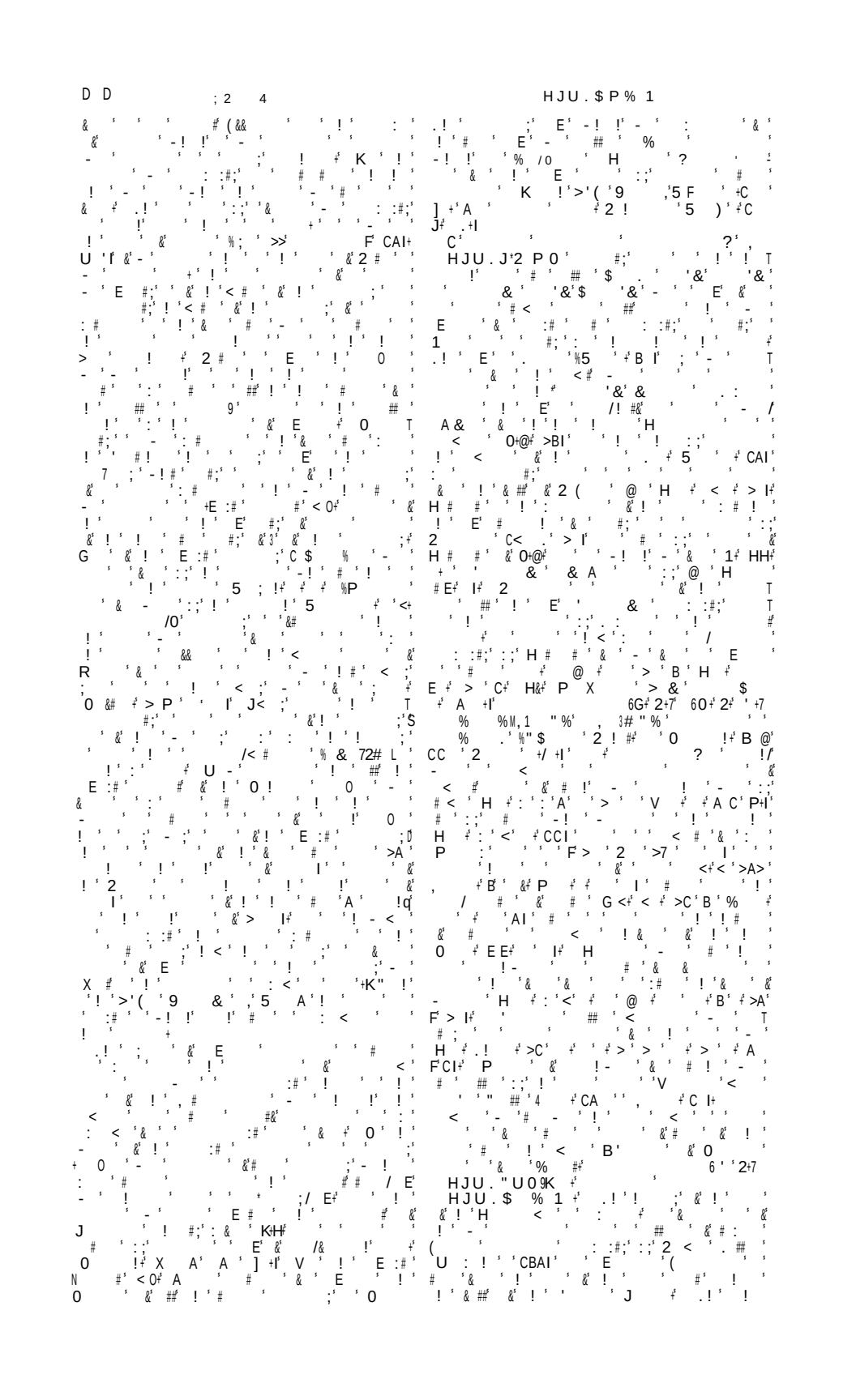

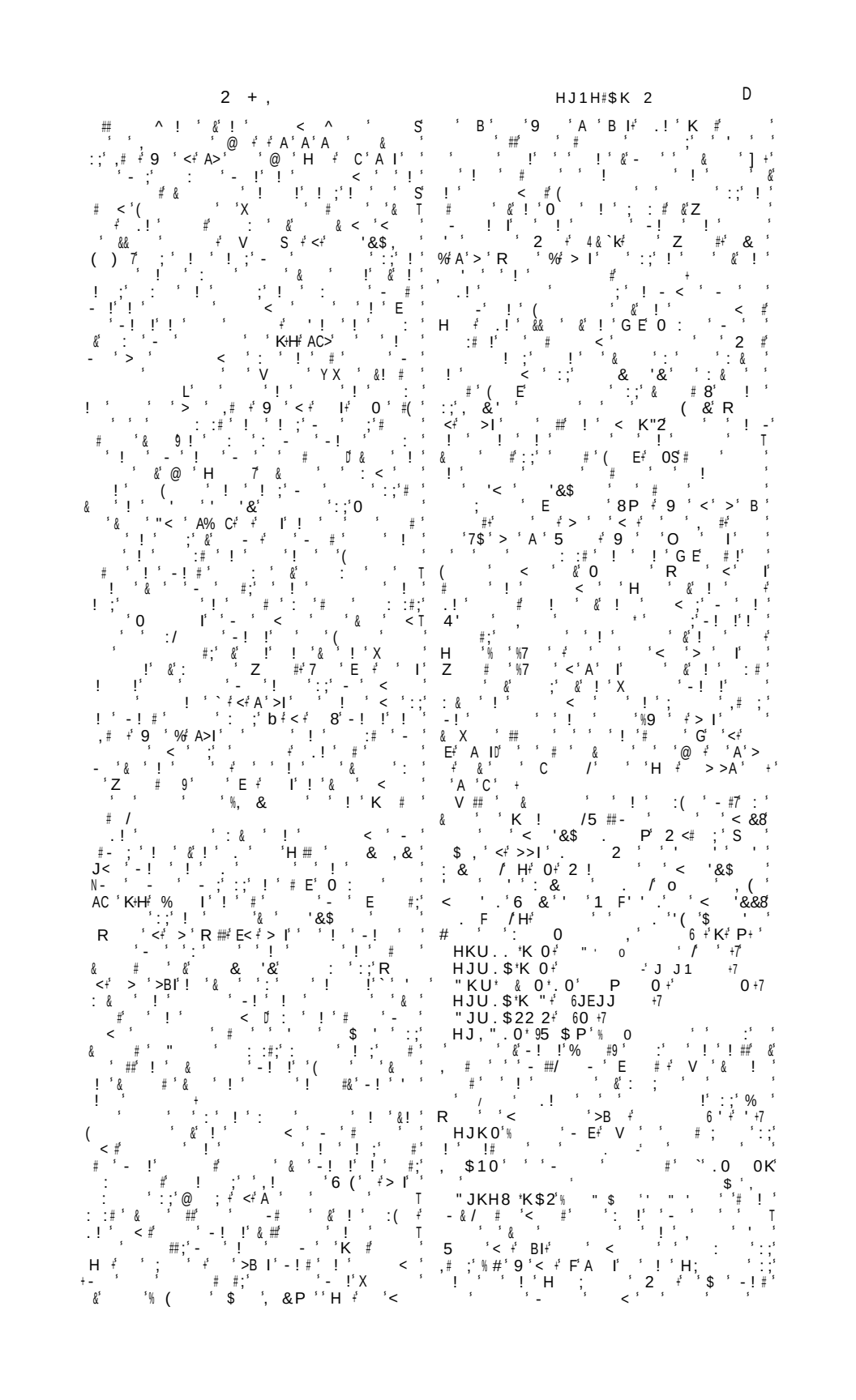

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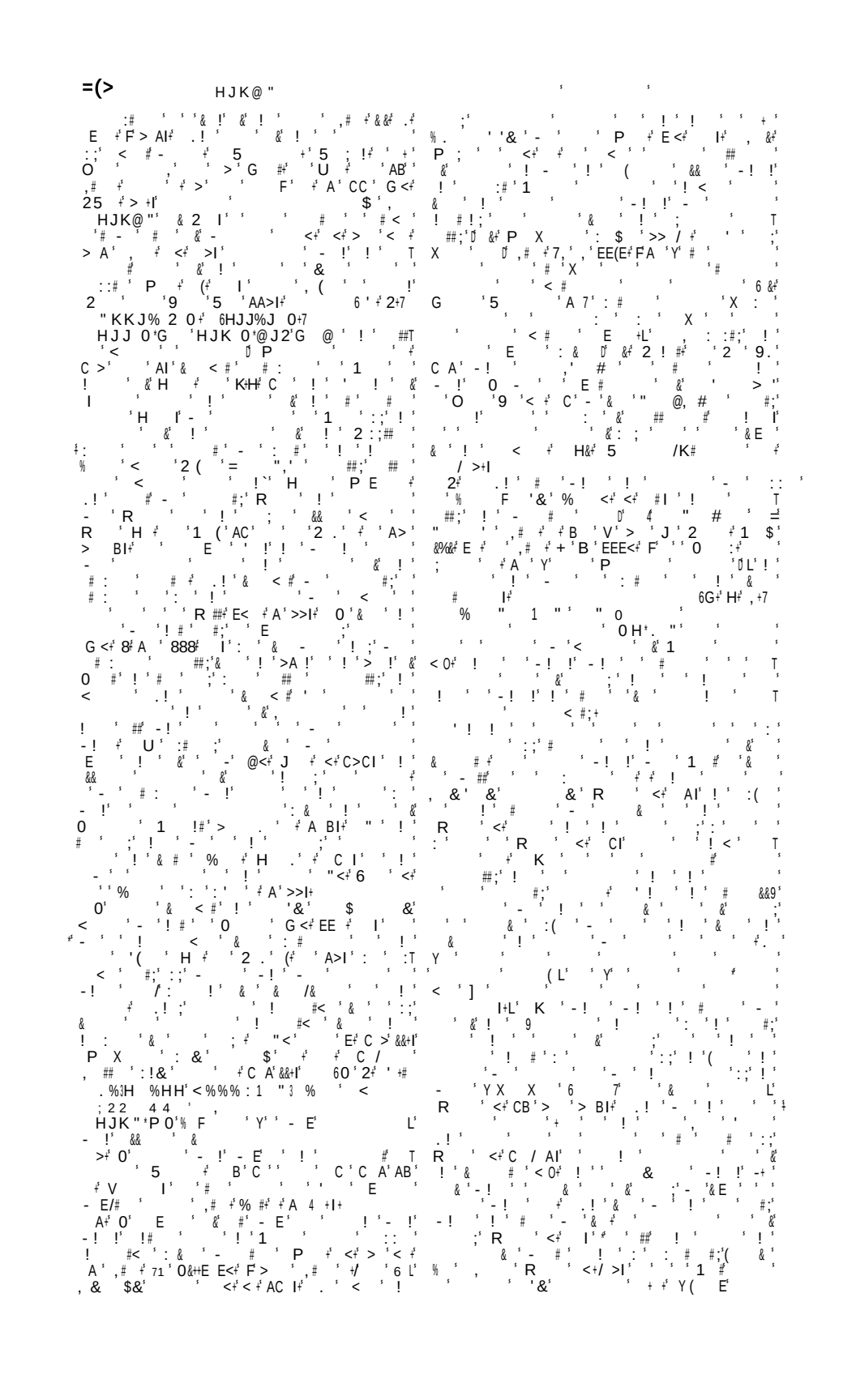

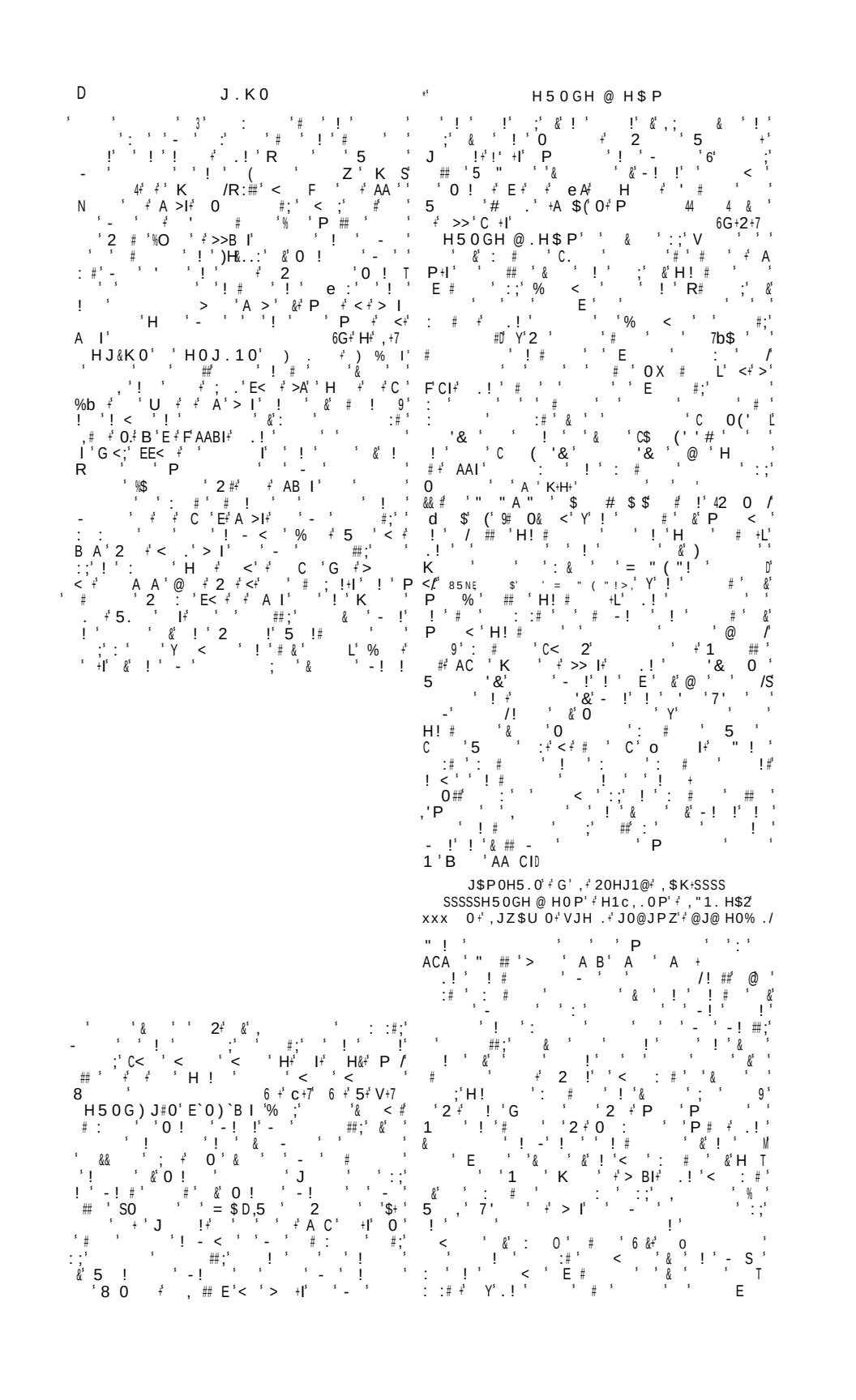

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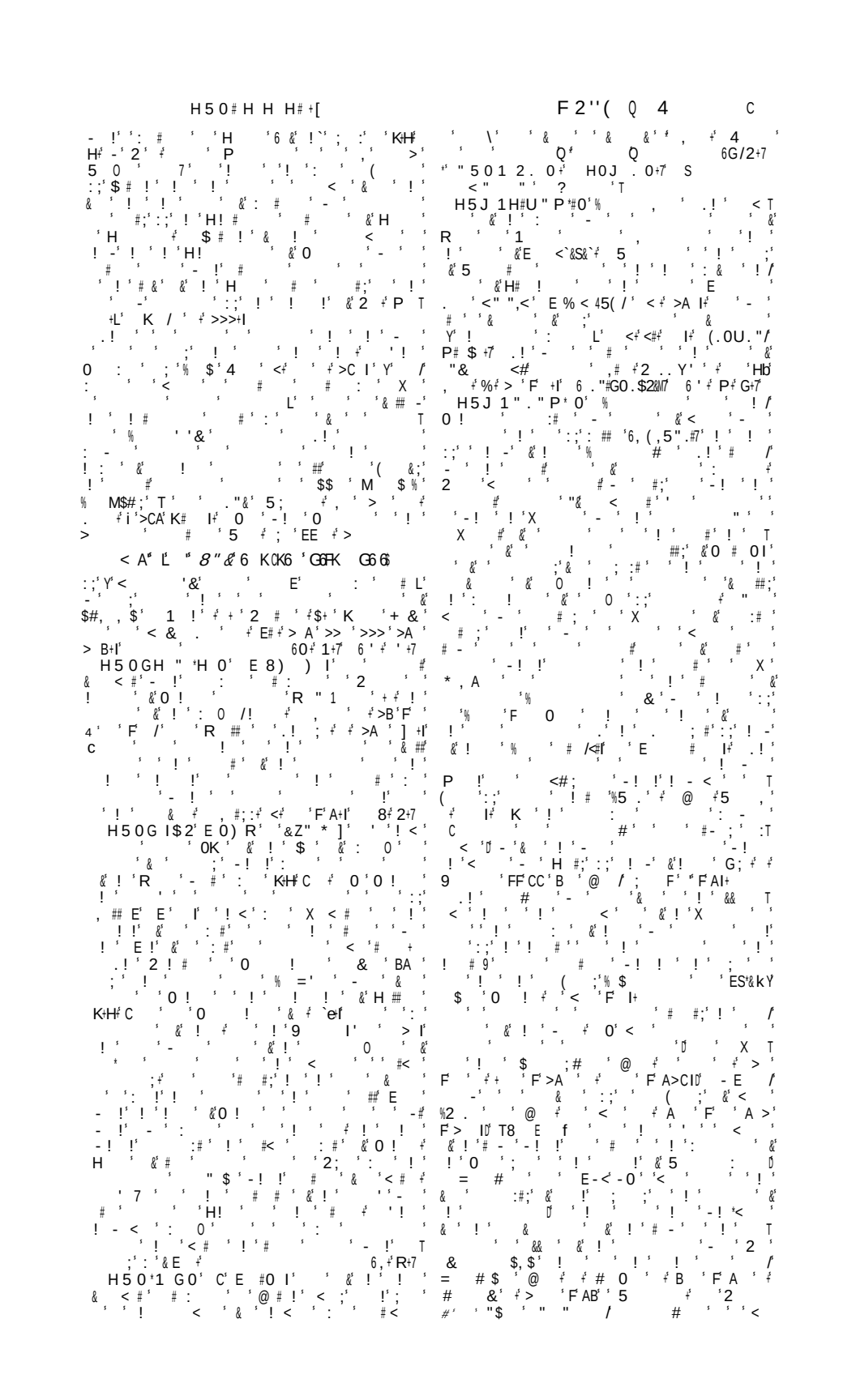

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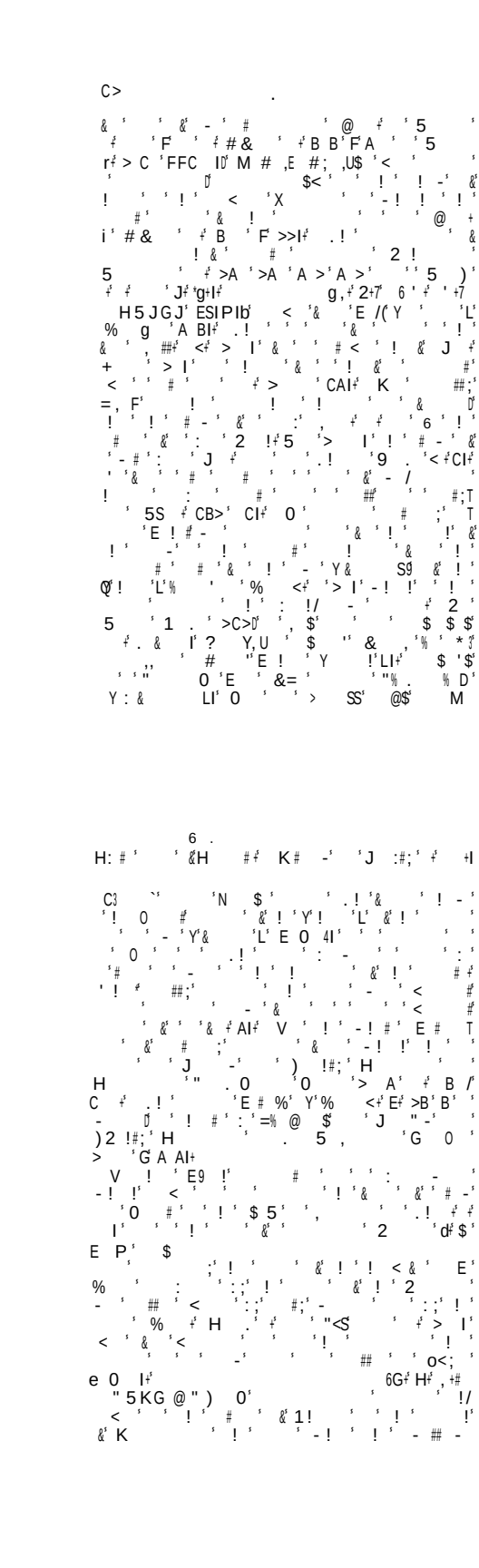

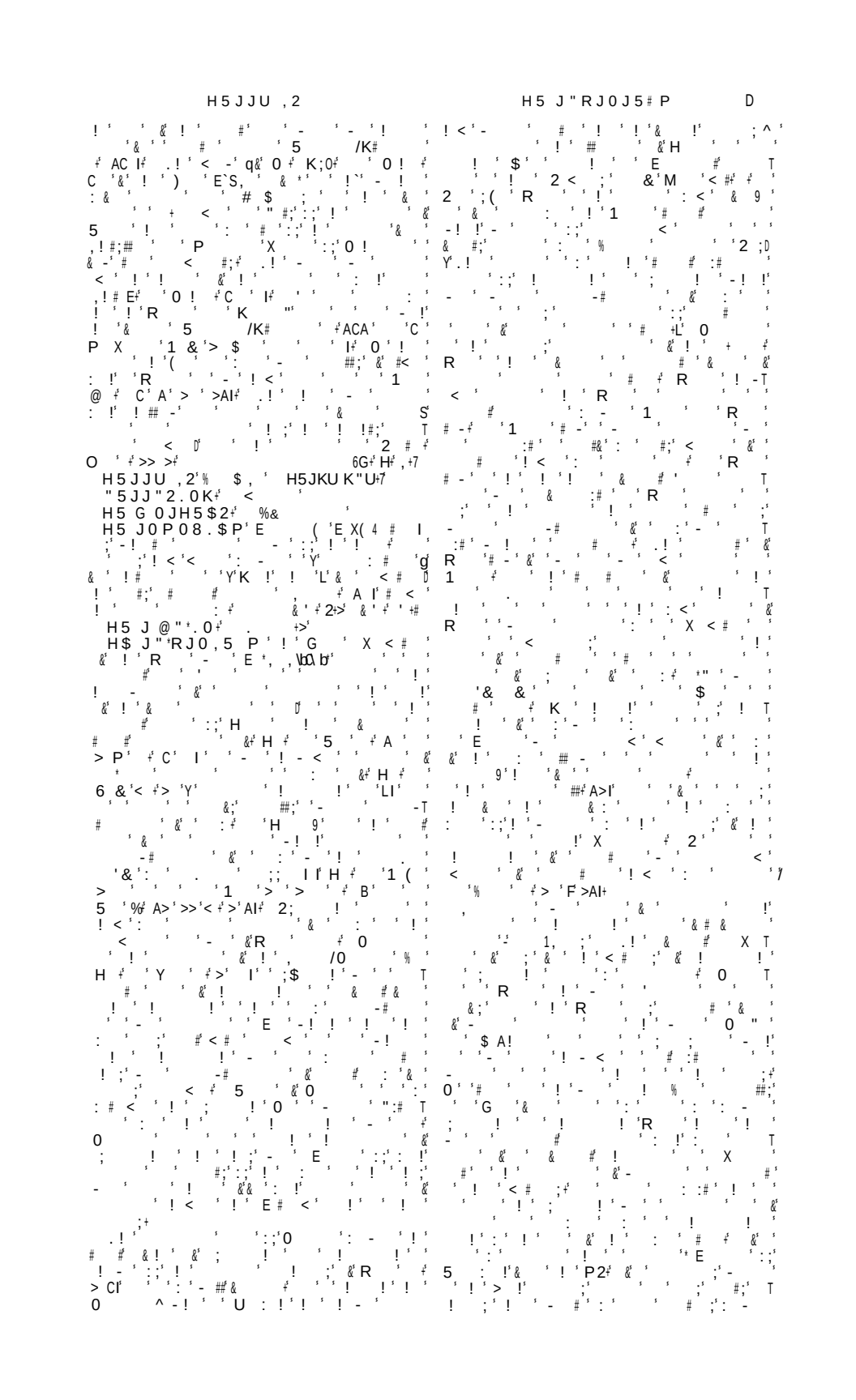

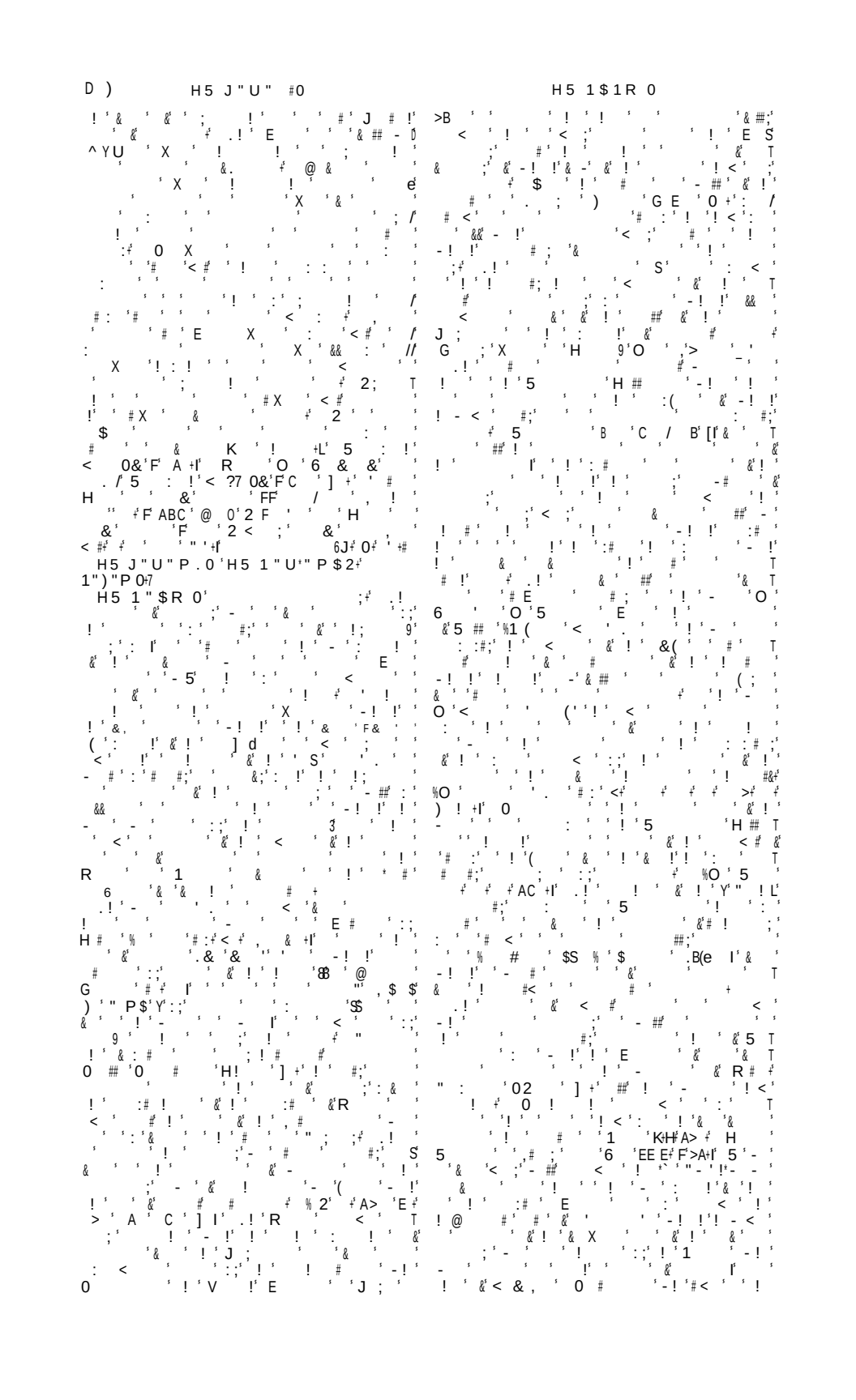

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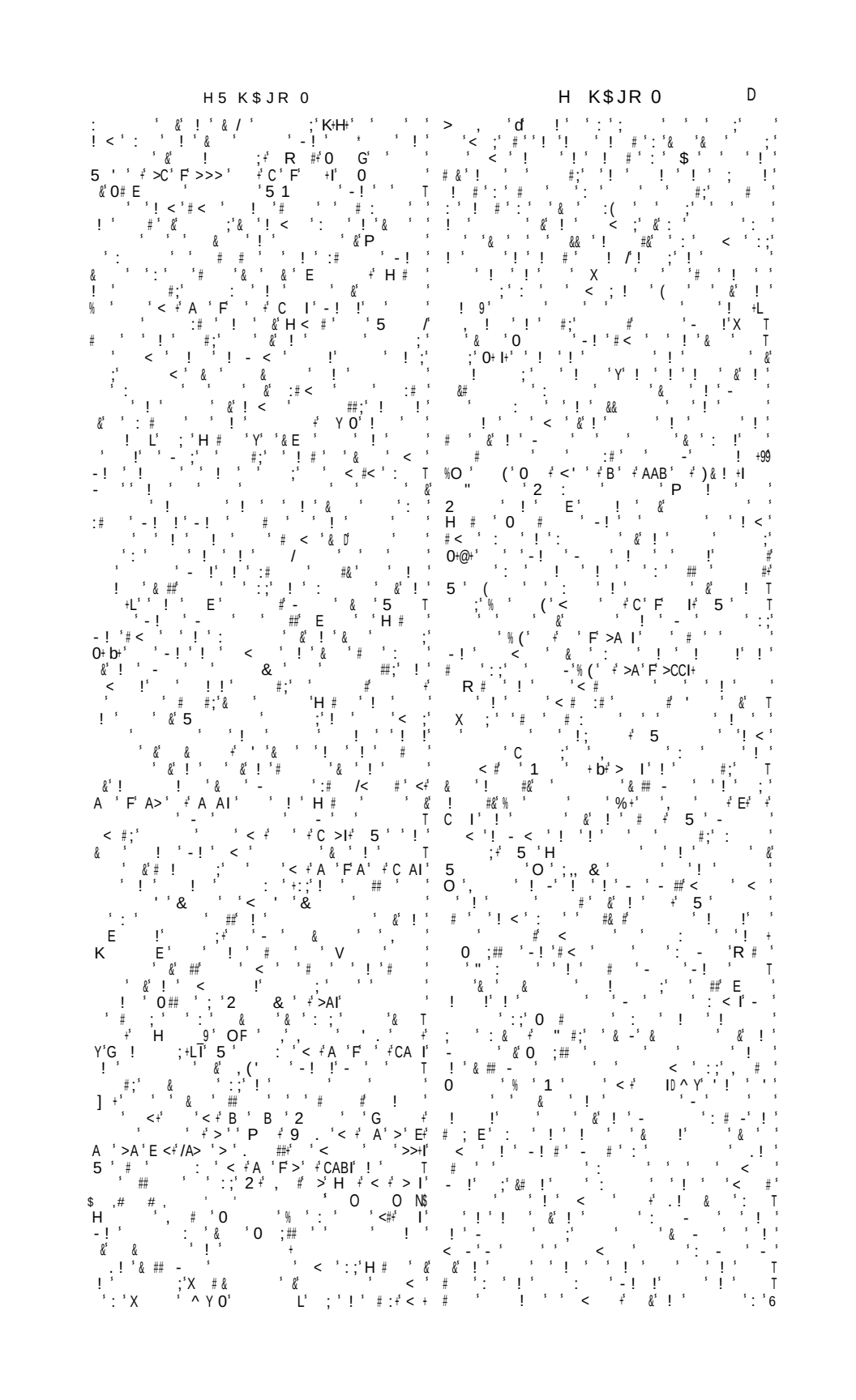
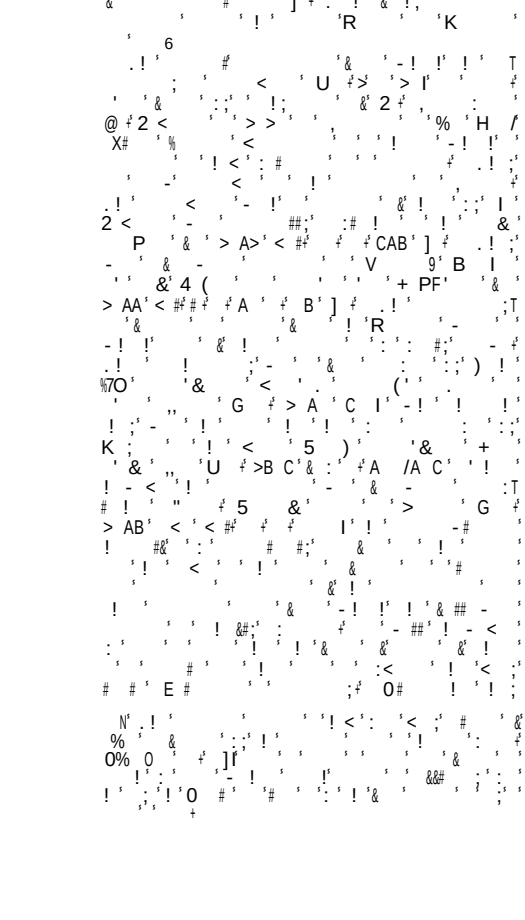
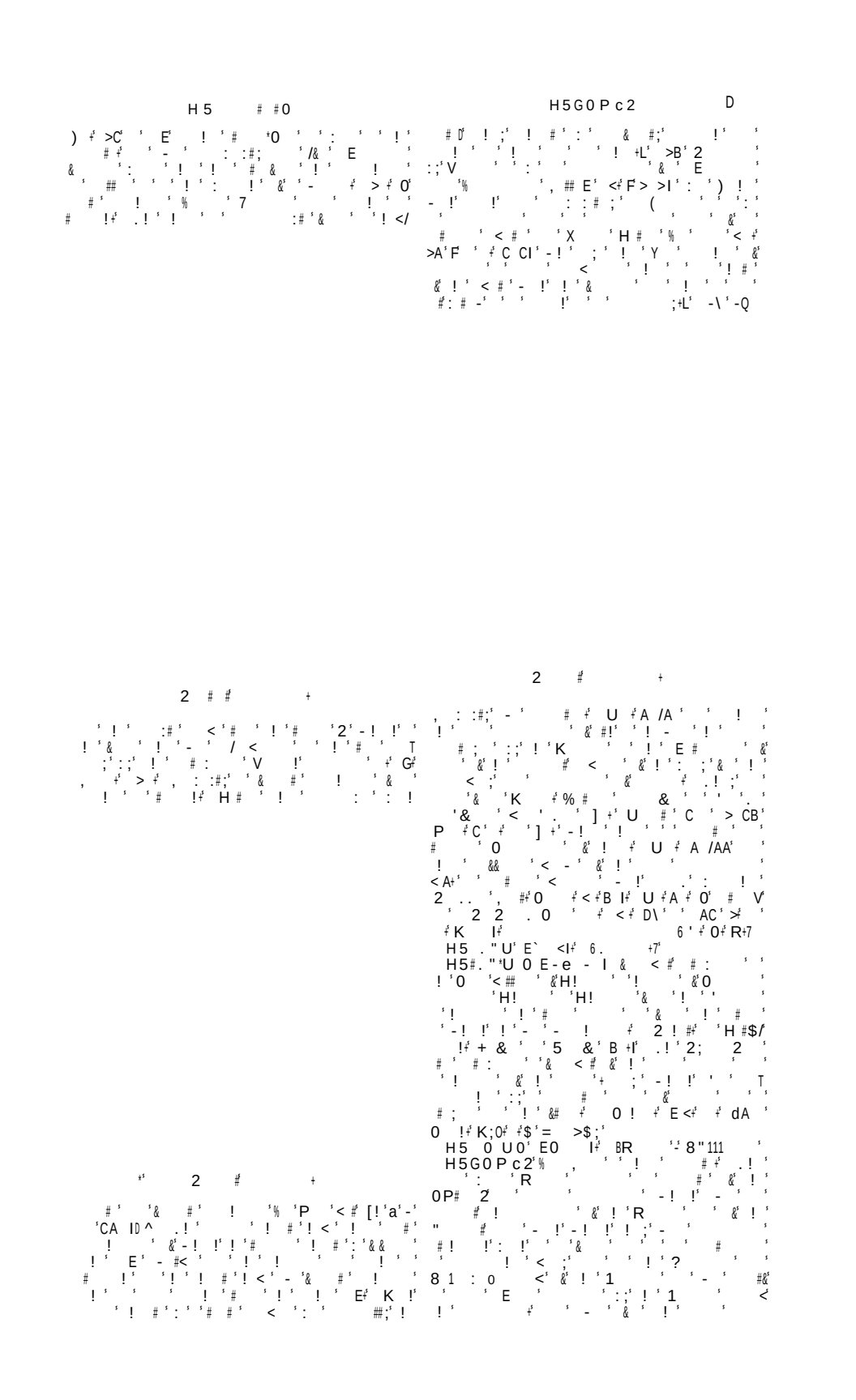
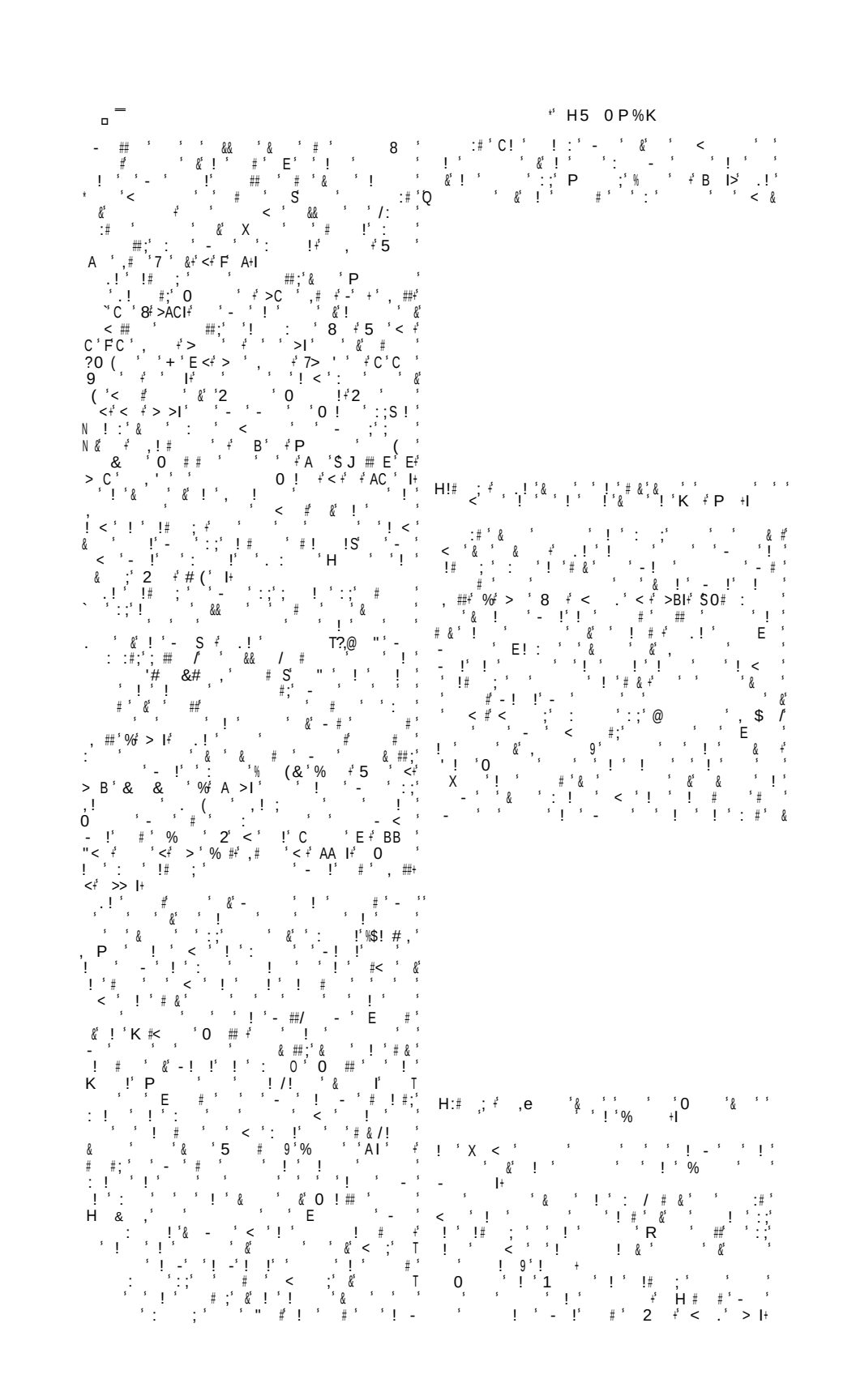








Alexander Severus, when he was in the country or on an expedition, wore one dyed with the coccus (*chlamyde coccinea*, Lamprid. *Al. Sev.* 40; cf. Matt. xxvi. 28, 31). [J. Y.] [W. M. L.]

CHLOEIA or CHLOIA (χλόεια or χλοιά), a festival celebrated at Athens in honour of Demeter Chloë, or simply Chloë, whose temple stood near the Acropolis. (Hesych. *s. v.* χλοιά; Paus. i. 22, § 3; Athen. xiv. p. 618; Soph. *Oed. Col.* 1600, with the Scholiast.) It was solemnised in spring, on the sixth of Thargelion, when the blossoms began to appear (hence the names χλόη and χλόεια), with the sacrifice of a goat and much mirth and rejoicing. (Eupolis, *apud* Schol. *ad* Soph. *Oed. Col.* l. c.) [L. S.]

CHOENIX (χοῖνιξ, -ῖκος, in Attic feminine, in Hellenistic masculine). The Schol. on Ar. *Plut.* 276, where χοῖνιξ means some kind of shackle or stocks for putting the legs in (cf. Dem. *de Cor.* 270, § 129), says χοῖνιξ δὲ πᾶν περιφερές· διὸ καὶ τὸ μέτρον χοῖνιξ καλεῖται. Accordingly χοινίκη or χοινικίς, "the nave," and χοινίκιον, "the trepan," mentioned by Celsus, viii. 3: χοινικίδες, rings serving as stands, Dem. *c. Androt.* p. 616, § 72; *c. Timocr.* p. 756, § 180. But χοῖνιξ is best known as a dry measure of capacity. In Hom. *Od.* xix. 118, a χοῖνιξ of corn is the ordinary wages for a day's work. It was the minimum daily allowance on which a man could adequately live (Herod. vii. 187), and was what slaves received (Thuc. iv. 16, and Arnold *ad loc.*): cf. κενεὰν ἀπομάσσειν (Theocr. xv. 95), χοίνικα ἀπομάσσειν (Lucian, *Navig.* 25), also ἐπὶ χοίνικος καθῆσθαι, to think only of to-day's bread (Plut. ii. 703 E). Hence the Corinthians, who had vast numbers of slaves, were called "choenix-measurers" by the Pythia (Boeckh, *Pub. Ec.*, Eng. Trans., p. 91). The capacity of the χοῖνιξ varied (see F. Hultsch, *Metrologici Script.*, Index, *s. v.*).

1. The Attic χοῖνιξ was = 2 sextarii = 4 κοτύλαι = 1·094 litres = 1·922 Eng. pints: cf. Ar. *Nub.* 645, where the ἡμίεκτον (= ½ μέδιμνος) is called τετράμετρον, *i.e.* = 4 χοίνικες. See Hultsch, *Metrologie der Griechen*, &c. p. 105, and esp. note 4. The Pontic χοῖνιξ appears to have been the same = 2 sextarii.

2. The Aeginetan measures are to the Attic = 11⅓ : 8 ∴ the Aeginetan χοῖνιξ would be = 5½ Attic κοτύλαι (*Metrol. der Griech.* 501) = 1·516 litres = 2·668 Eng. pints. This is also the Boeotian measure (*ib.* 543).

3. In the Ptolemaic measures (*i.e.* those used in Syria and Egypt) the μέδιμνος was = 1½ Attic μέδιμνοι; but there were 96 instead of 48 χοίνικες in it ∴ a Ptolemaic χοῖνιξ = ¾ Attic χοῖνιξ = 0·8208 litres = 1·443 Eng. pints.

The symbol for χοῖνιξ is $\overset{\nu}{\chi}$ or $\overset{\alpha\iota}{\chi}$ (*Metrol. Script.* 219, 17). [L. C. P.]

CHOES (χόες). [DIONYSIA.]

CHORAULES. [CHORUS; TIBICEN.]

CHORE'GIA. [CHOREGUS.]

CHORE'GUS (χορηγός). I. GREEK. The *choregia* (χορηγία) was one of the ordinary services (ἐγκύκλιοι λειτουργίαι) at Athens, and consisted in providing a properly-trained chorus for one of the festivals. It was a very heavy burden, involving great trouble and expense; but during the flourishing period of Greek freedom this was counterbalanced by the emulation which subsisted among the different choregi and the honour it brought them from their fellow-citizens.

Originally, there was a choregus elected by each tribe (Introd. to Dem. *Midias*, p. 510, line 8). The choregi used to be appointed eleven months before the festival. The ἐπιμεληταί of each tribe looked out for the fitting persons to fulfil the duty of choregi, and probably proposed them (προ)βάλλοντο οἱ χορηγοί, Dem. *Mid.* 519, § 13; cf. Arg. p. 510). Usually the most well-to-do were appointed choregi in turn, but sometimes public-spirited individuals voluntarily undertook the duty even when not in their turn: *e.g.* Demosthenes (*l. c.*). On the choregi being proposed, the archon used to allot them (χορὸν διδόναι) to as many as he thought deserving from among the poets who applied to him for a chorus (χορὸν αἰτεῖν). Then there was a drawing of lots among the choregi (Antiph. *de Chor.* § 11) as to who should get first choice of the διδάσκαλοι. The duty of the διδάσκαλος (who was sometimes the poet, and then he had a ὑποδιδάσκαλος: see Photius, *s. v.*) was with the help of musicians—generally flute-players, sometimes harpists—to teach (διδάσκειν, συγκροτεῖν) the choristers the words, songs, and dances. In an emergency we find a single individual taking the place of διδάσκαλος and αὐλητής, *e.g.* Telephanes (Dem. *Mid.* 520, § 17). The relative importance of the functions of the διδάσκαλος and the αὐλητής in course of time came to be reversed, the musical element becoming more and more important. The lot now decided who should have the first choice of flute-players (Dem. *Mid.* 519, § 13), and the flute-player came to be mentioned in the διδασκαλίαι (see below).

The next duty of the choregus was to collect the chorus. The members of the chorus had to be citizens. At the Lenaea metics were allowed to act as choristers and even as choregi (Schol. on Aristoph. *Plut.* 953). But at all other festivals only citizens could serve under penalty of 1000 drachmae for each foreign chorister (Plut. *Phoc.* 30). The collecting (συλλέγειν) of the chorus was effected by means of officers of the tribe called χοροδιδάσκαλοι. This was hard in the case of boys, as parents did not like to let their children incur the moral risks of the theatre; and that these were not insignificant is evident from the law of Solon forbidding any one younger than forty years to form a chorus of boys (Aeschin. *Tim.* 33, § 12). Fines and confiscations of goods, accordingly, had often to be employed (Antiphon, *de Chor.* § 11). Meanwhile the choregus had to provide a place for training the chorus (διδασκαλεῖον, χορηγεῖον, Poll. iv. 106), which was often in his own house (Antiphon, *l. c.*), but in some demes we find public buildings for the purpose (cf. Hesych. Μελιτέων οἶκος).

In the flourishing times of Athens the greatest emulation existed among the rival choregi: some spent their whole patrimony in the service (Dem. *Mid.* 534, § 61). And indeed no wonder: for it must have been a proud moment when the choregus, leading his own chorus (cf. Athen. 633 a) and in splendid array, was crowned victor before his assembled fellow-countrymen (Dem. *Mid.* 532, § 55). The prize was a bronze tripod, which became the property of the tribe (Dem. *Mid.* 516, § 5). Accordingly, owing to the

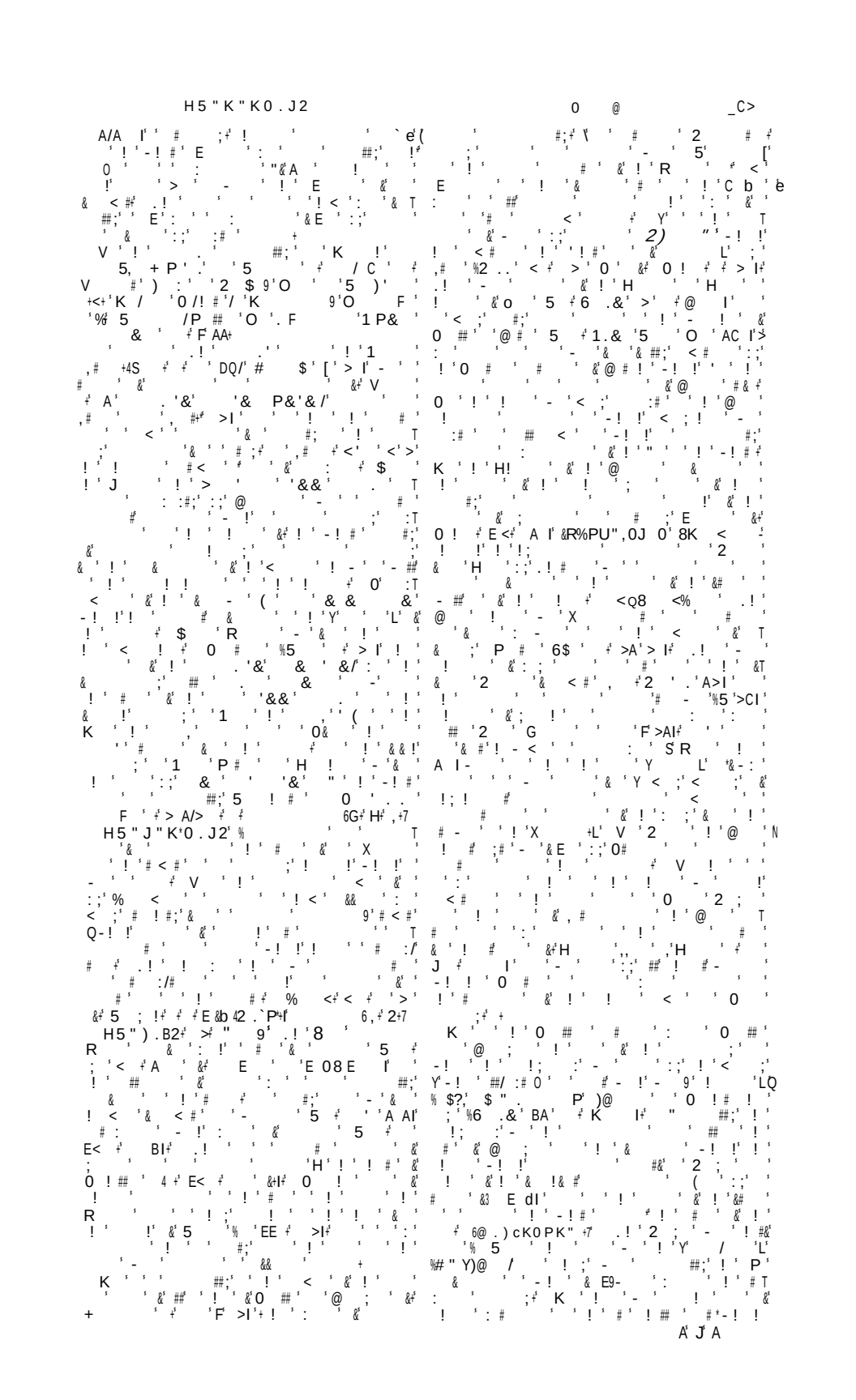
emulation, the very strictest observance of the laws relating to the festivals was required. Among these laws there was one that, if a stranger was brought in as a chorister, a rival choregus might take him by the hand and lead him out (Andoc. *in Alcib.* § 20; cf. Dem. *Mid.* 534, § 60), but not interrupt him while performing. In the heat of competition, too, there were frequent violations of law, and special enactments for the laying of plaints with regard to misdeeds at the festivals (Dem. *Mid.* 517, § 8; 562, § 147). The crime of assault of a choregus during the festival appears to have been ὕβρις, though Demosthenes all through his speech against Midias tries to make out that, inasmuch as the festival was a religious ceremony, the offence he as choregus had sustained should be considered ἀσέβεια (Arg. p. 510; cf. 532, § 55).

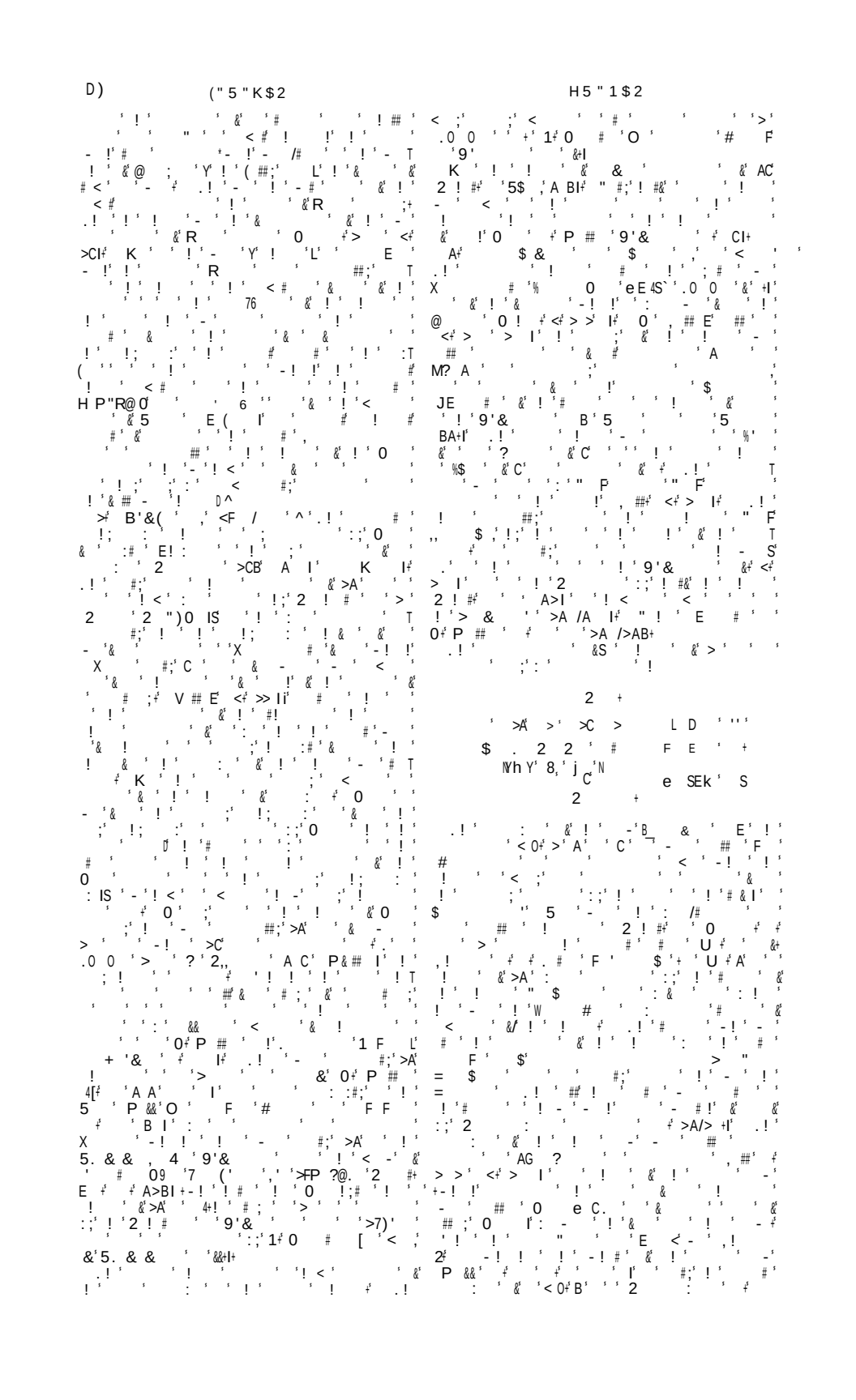
No one was liable for the choregia nor for any of the regular services unless he had a property of at least three talents (Isaeus, *de Pyrrh. hered.* § 80; Dem. *Aphob.* i. 833, § 64): for the expenses that fell upon the choregus were great. The state certainly defrayed part of them (Introd. to *Mid.* p. 510), and the lessee of the theatre who received the entrance money must have supplied a considerable sum towards the outlay (Boeckh, *Staatshaushaltung der Athener*, i. 540, ed. 1886). But still much remained for the choregus; principally the expenses which attached to the chorus directly. For he had not merely to train the chorus or have it trained, but he had also to feed (Introd. to *Mid.* l. c.) them during the time of training, and right good cheer used to be provided (Plut. *de glor. Athen.* c. 6). At Corcyra we find the members given an equivalent in money, σιτηρέσια (*C. I. G.* 1845, line 23). The choregi used at times to give drugs to the choristers to improve their voice; and this proved fatal in one case (see the whole speech of Antiphon, *de Choreuta*). They had to provide the dresses (Aristot. *Eth. Nic.* iv. 2, 20; Athen. 103 f), which were often most expensive—*e.g.* Demosthenes once (*Mid.* 520, § 16) had golden crowns for his chorus and a gold-embroidered robe for himself—and also at times the accessories of the play; *e.g.* in Aristoph. *Pax*, 1023, the animal for sacrifice. Besides, too, they appear to have had to pay the choristers (Xen. *Resp. Ath.* i. 13). An additional chorus (παραχορήγημα) had sometimes to be provided. Each choregus provided the chorus for a whole tetralogy; but whether the actual choristers were the same in all four plays is uncertain (see Hermann-Müller, *Bühnenalterthümer*, p. 333). The choregus had not to pay the actors (Boeckh, *op. cit.* p. 542). Interesting statistics as to the expenses of the different kinds of choruses are to be found in Lysias, Ἀπολογία δωροδοκίας, § 2 fol.—a passage which should be read with the sober criticism of Boeckh, pp. 542–5. The speaker spent on a tragic chorus 30 minae; on a chorus of men at the Thargelia, 2000 drachmas; on a Pyrrhic chorus of Ephebi at the Panathenaea, 800 drachmas; on a chorus of men at the Dionysia and on the dedication of the tripod, 5000 drachmas; on a cyclic chorus at the lesser Panathenaea, 300 drachmas; on a chorus of boys, 15 minae; on a comic chorus with dedication of the dress, 16 minae; on a chorus of youthful pyrrhicists, 7 minae. Thus we see that a comic chorus cost much less than a tragic one, just as an ordinary chorus of men cost less than a chorus of flute-players (Dem. *Mid.* 565, § 156). The dedication of the tripod, too, seems to have considerably increased the expenditure, as may be seen by comparing 30 minae (= 3000 drachmas) with 5000. The reason was that the prize tripod (τρίπους χορηγικός) was generally dedicated to Dionysus, either on the top of a pillar (see Baumeister, *Denkmäler*, fig. 422) or on the top of a round, open, temple-like structure. A fine example of such a structure is the celebrated Monument of Lysicrates and the Thrasyllus monument. From the inscriptions engraved on the architraves of these temples the didascaliae were mainly compiled (Wordsworth, *Athens and Attica*, p. 153). A whole street lined with such shrines to hold dedicated tripods, and hence called Τρίποδες, was on the east side of the Acropolis (Paus. i. 20, 1), and was a fashionable promenade in the time of Demetrius of Phalerum (Athen. 542). For a full account of the Street of Tripods, see Baumeister, *Denkm.* s. v.; Athen. pp. 188–9.

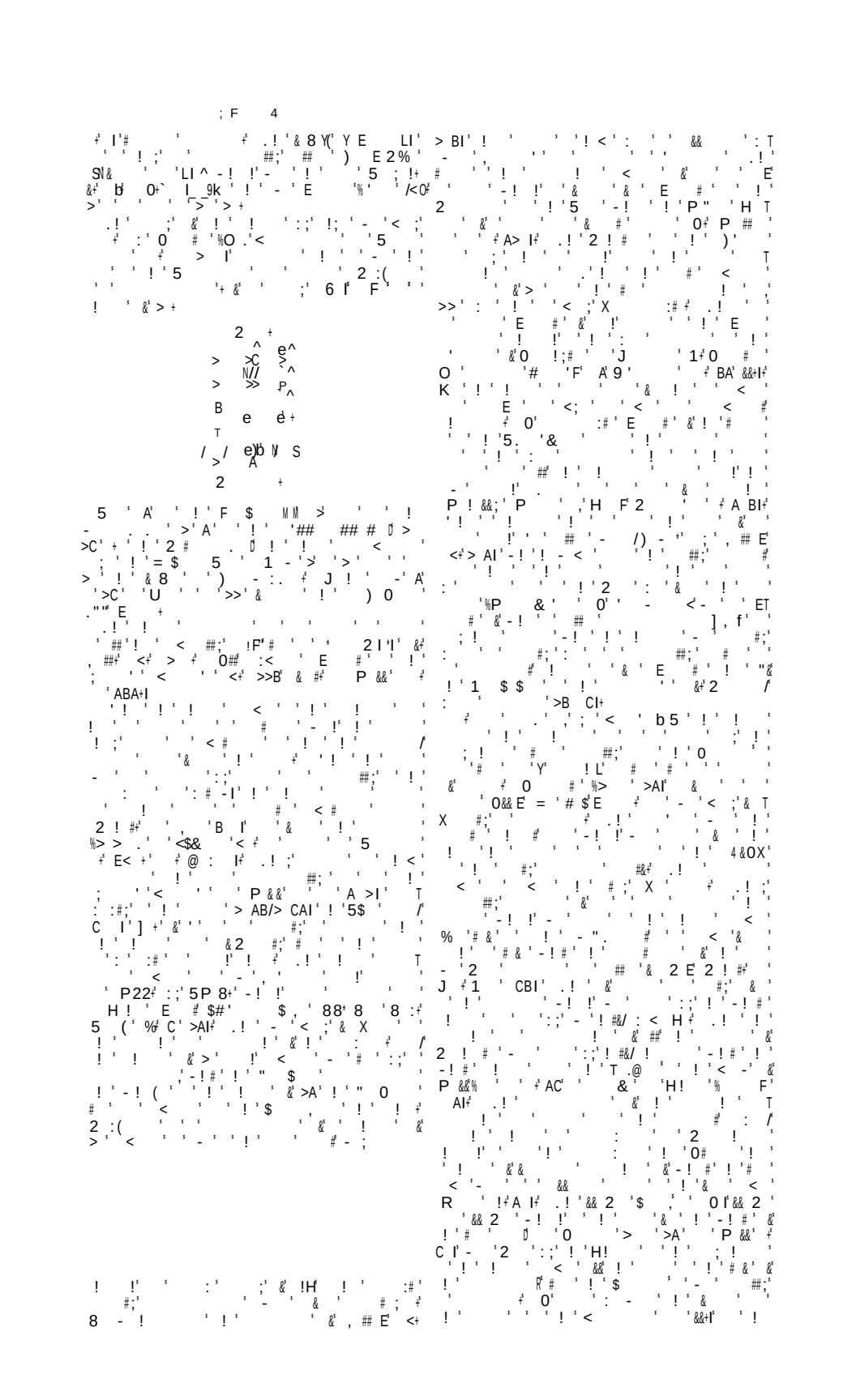
The expense, accordingly, of the choregia was great. So when the state became poor, single private individuals became unable to bear the burden, and the decline of public spirit so noticeable in the Demosthenic age showed them unwilling. Thus the *Aeolosicon* of Aristophanes and the *Odysseus* of Cratinus had no choral odes, nor parabases, but this latter for another reason (see Platonius in the Tauchnitz Aristophanes, vol. i. pp. 7, 8); and neither has the *Plutus*. The first step to remedy this state of things was the συγχορηγορία: *i.e.* two tribes or two individuals uniting to supply a chorus. This took place first in the archonship of Callias, 406 B.C. (Schol. on Ar. *Ran.* 404). The first documentary evidence of the joint choregia that we have is the inscription found on the Temple of the Winds at Athens (Köhler in *Hermes*, ii. 23). See also Antiphon, *de Chor.* § 11. Later in the time of Demetrius of Phalerum (316–307 B.C.) the state undertook the choregia, appointed each year an ἀγωνοθέτης to produce all the choruses for the different festivals, and bore all the expense.

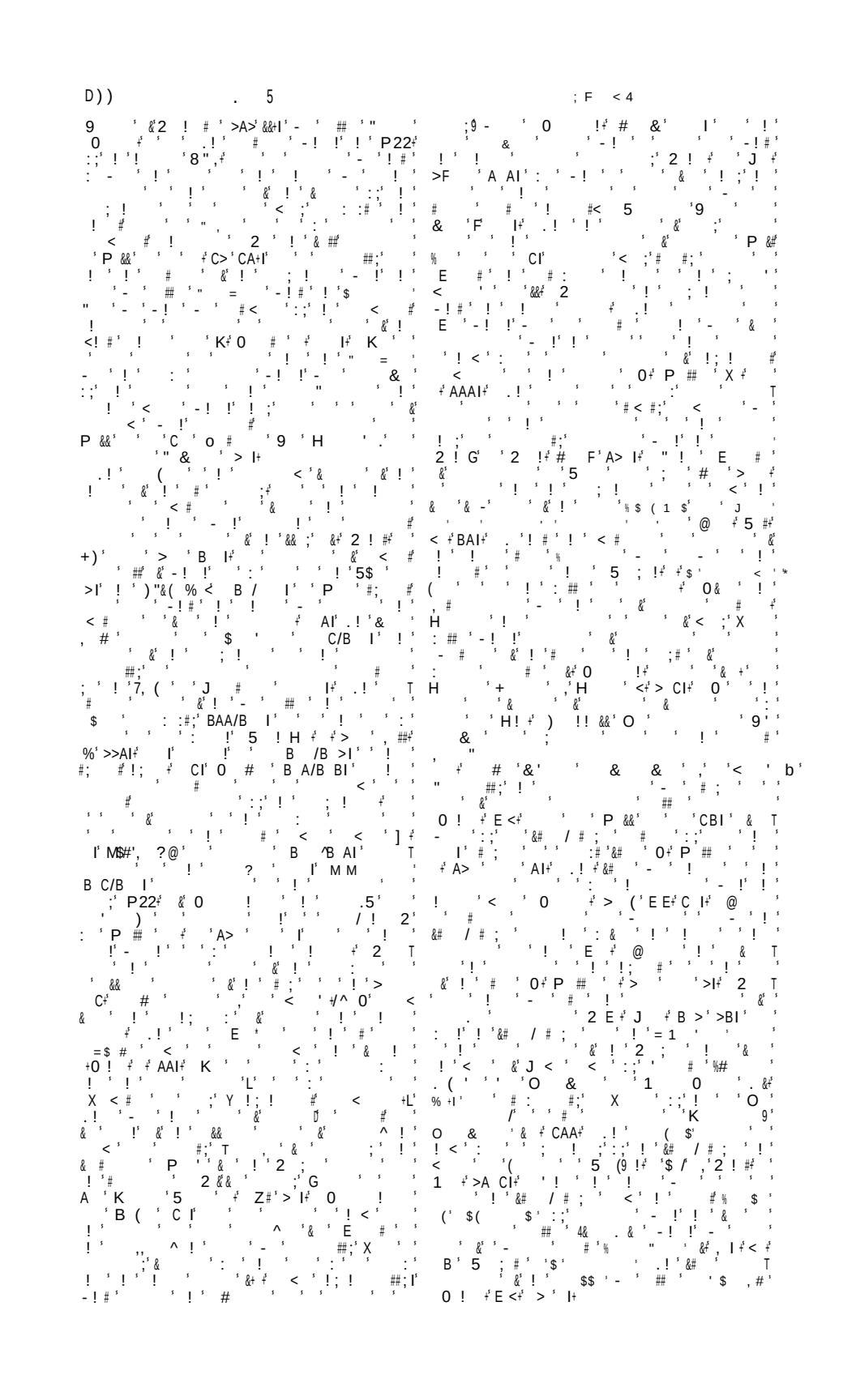
The inscriptions on the monuments varied. In the fifth cent. B.C. the name of the tribe comes first, that of the choregus second, and of the trainer third: e.g. *C. I. G.* 212, Οἰνηὶς ἐνίκα παίδων (*sc.* χορῷ), Εὐρυμένης Μελετῶνος ἐχορήγει, Νικόστρατος ἐδίδασκε (cf. Plut. *Aristid.* c. 1, § 2). In the fourth cent. the choregus or choregi come first, the tribe is frequently omitted, and the flute-player occasionally mentioned and before the trainer (see Köhler, *l. c.*). Of the choregia of the state we have the following:—*C. I. G.* 225, ὁ δῆμος ἐχορήγει, Πυθάρατος ἦρχεν (271 B.C.) Ἀγωνοθέτης Θρασυκλῆς Θρασύλλου Δεκελεεύς, Ἱπποθωντὶς παίδων ἐνίκα Θέων Θηβαῖος ηὔλει Πρόνομος Θηβαῖος ἐδίδασκεν. Note the non-Athenian trainers. For other important inscriptions of the choregia, see Köhler in *Mittheilungen des arch. Instit. in Athen*, vol. iii.

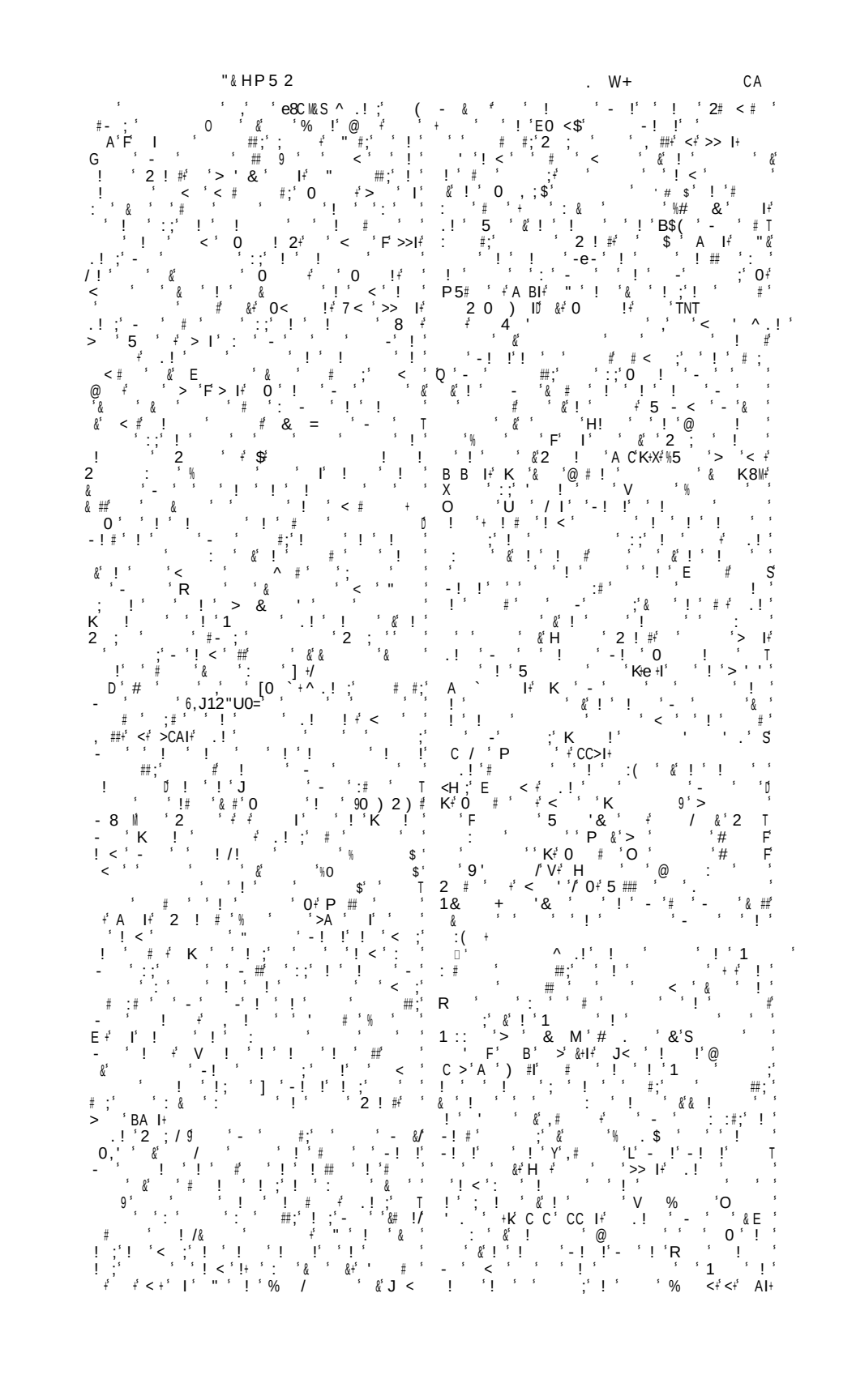
The choregia was not confined to Athens; it is found at Siphnos (Isocrat. *Aegin.* 17), Ceos (*C. I. G.* 2363), Aegina (Herod. v. 83), Mytilene (Antiphon, *de caede Herod.* 77), Thebes (Plut. *Aristid.* 1). At Lasos in Caria (Lebas, *Inscr.* iii.

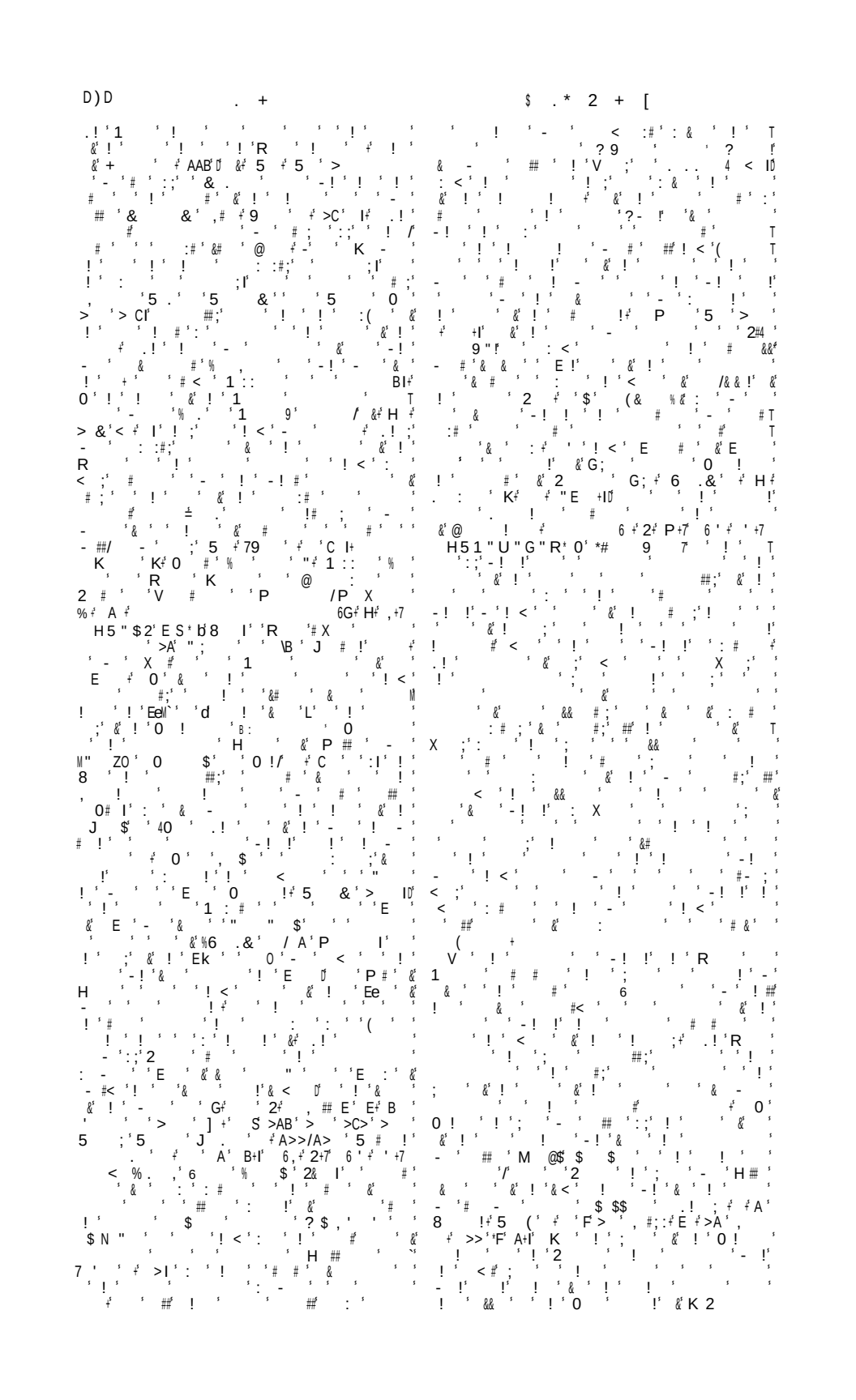


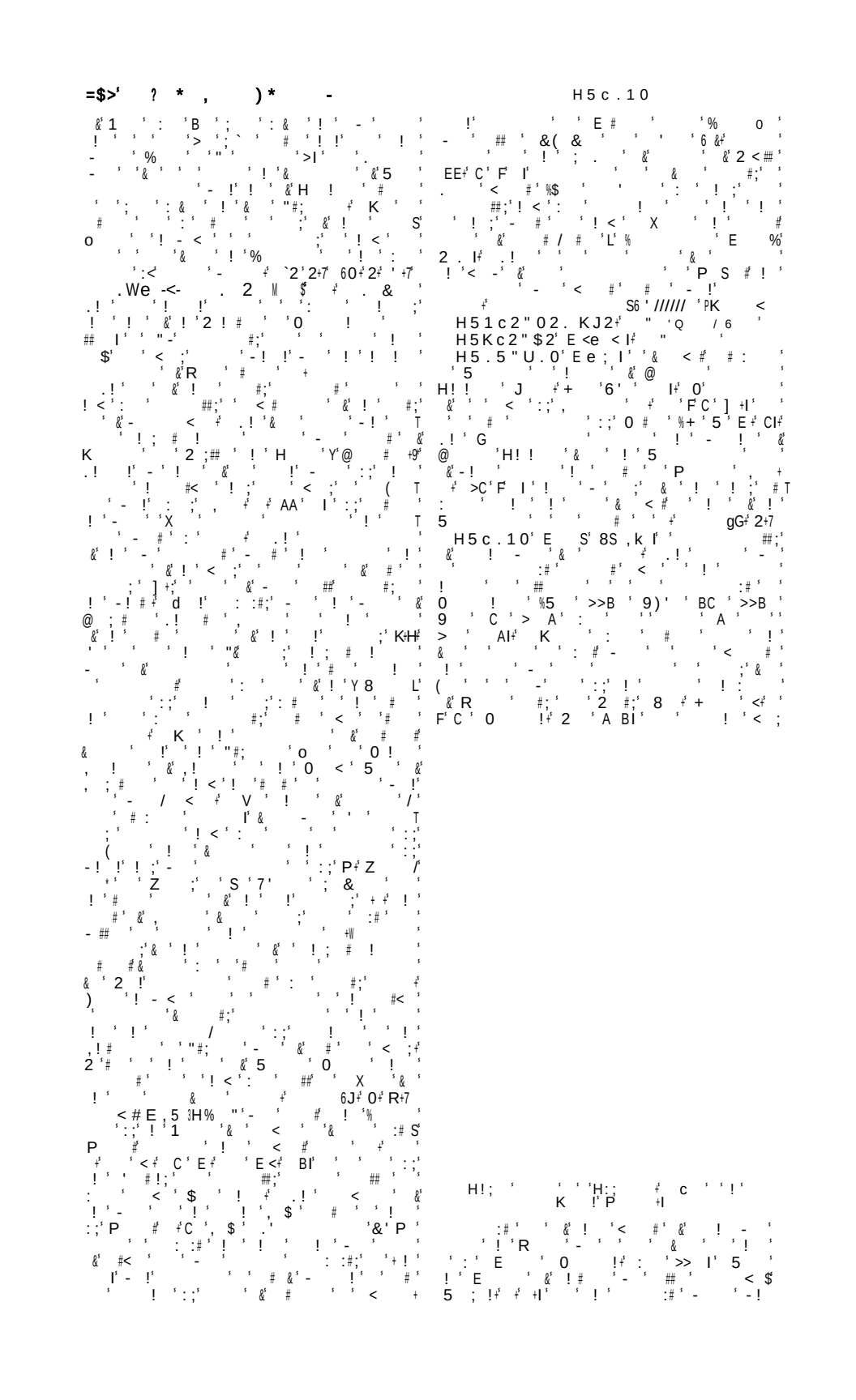


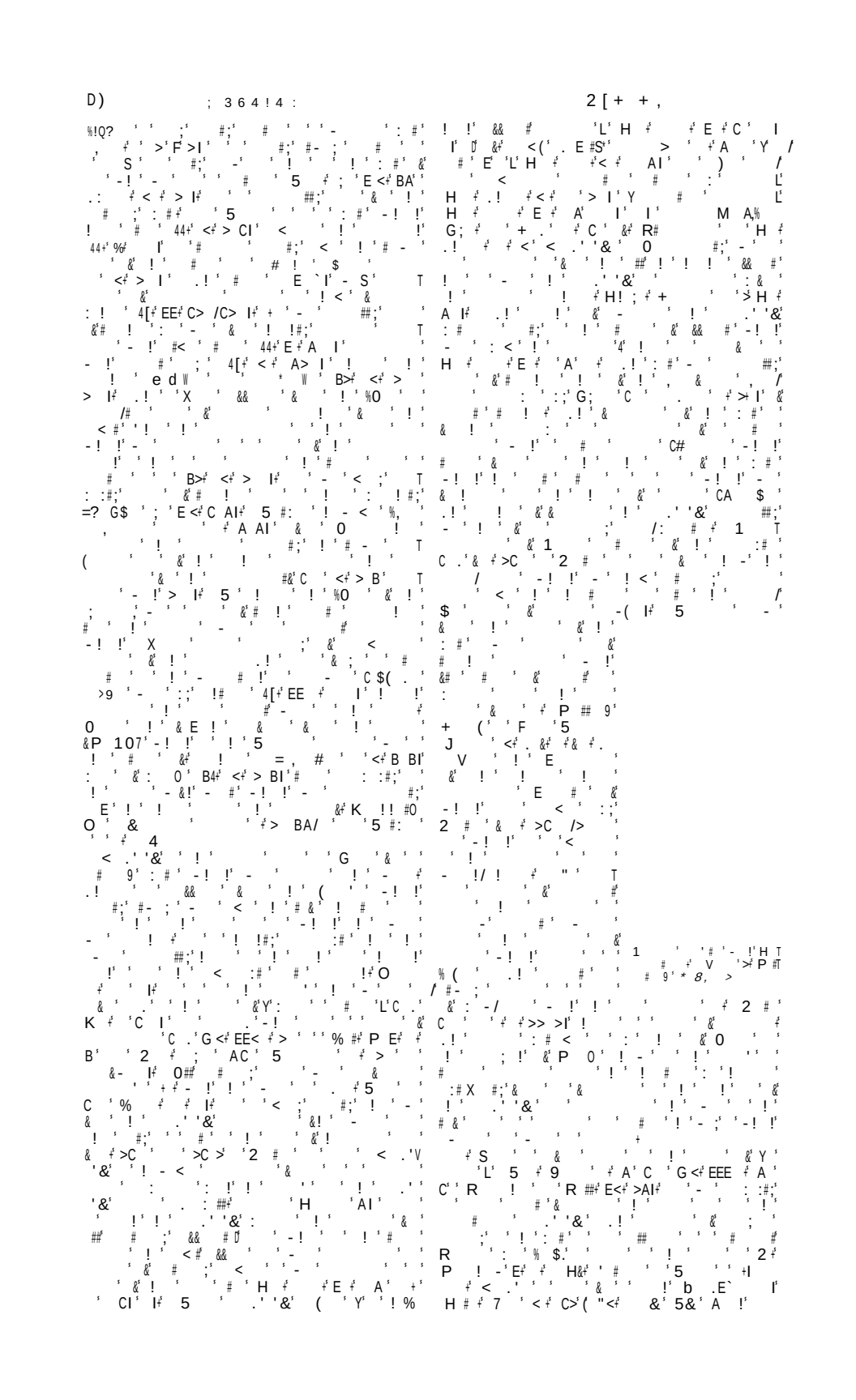


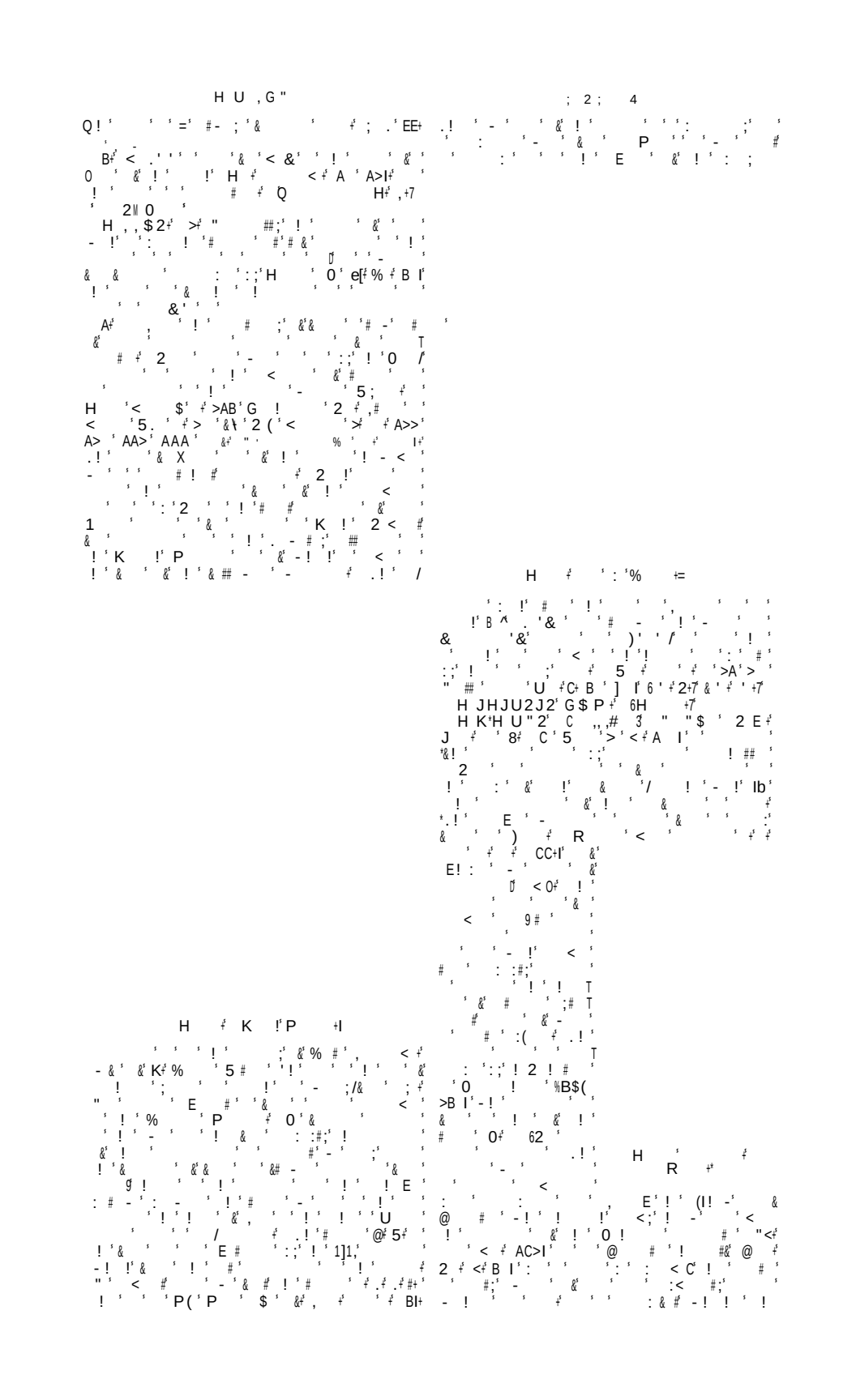


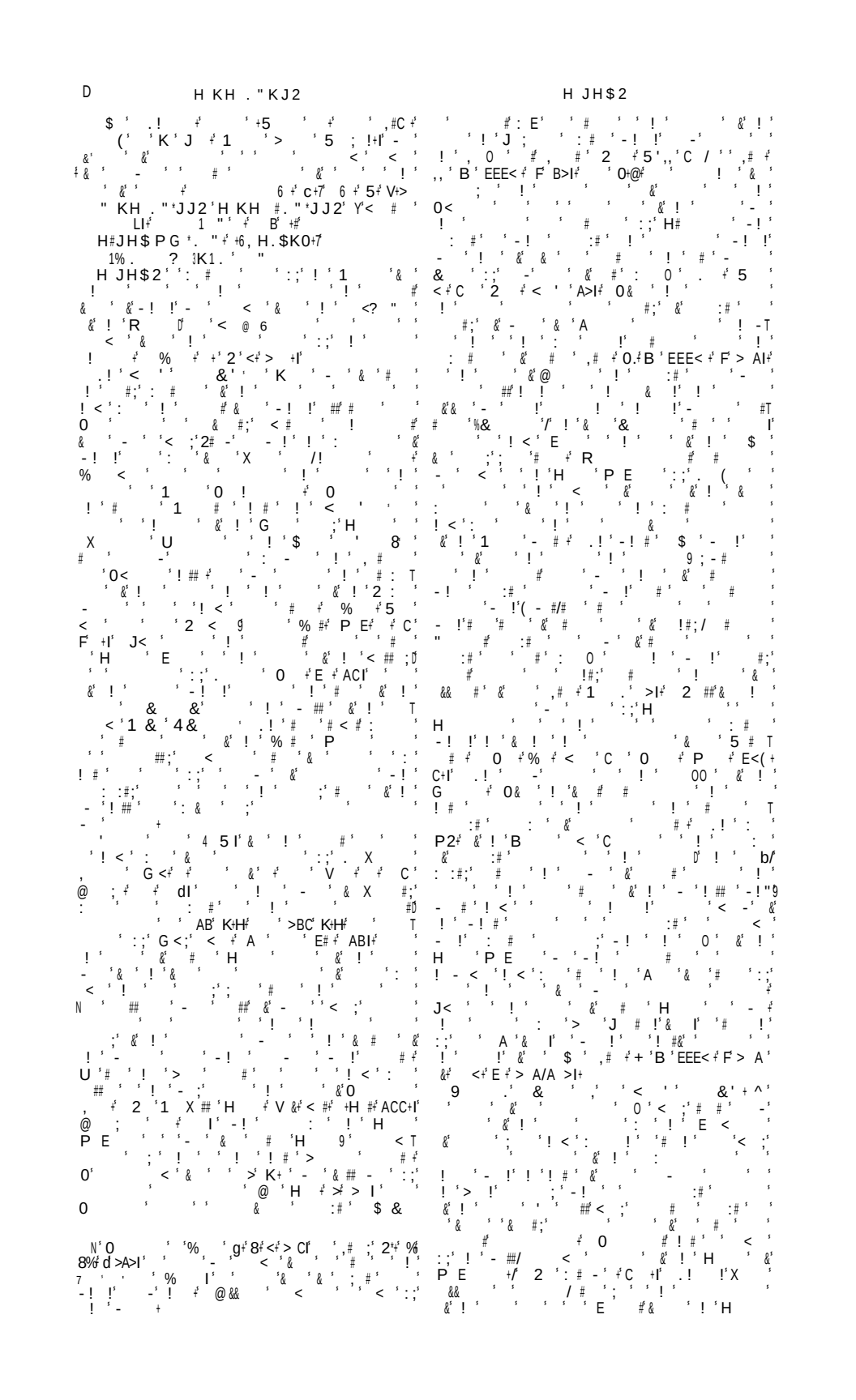


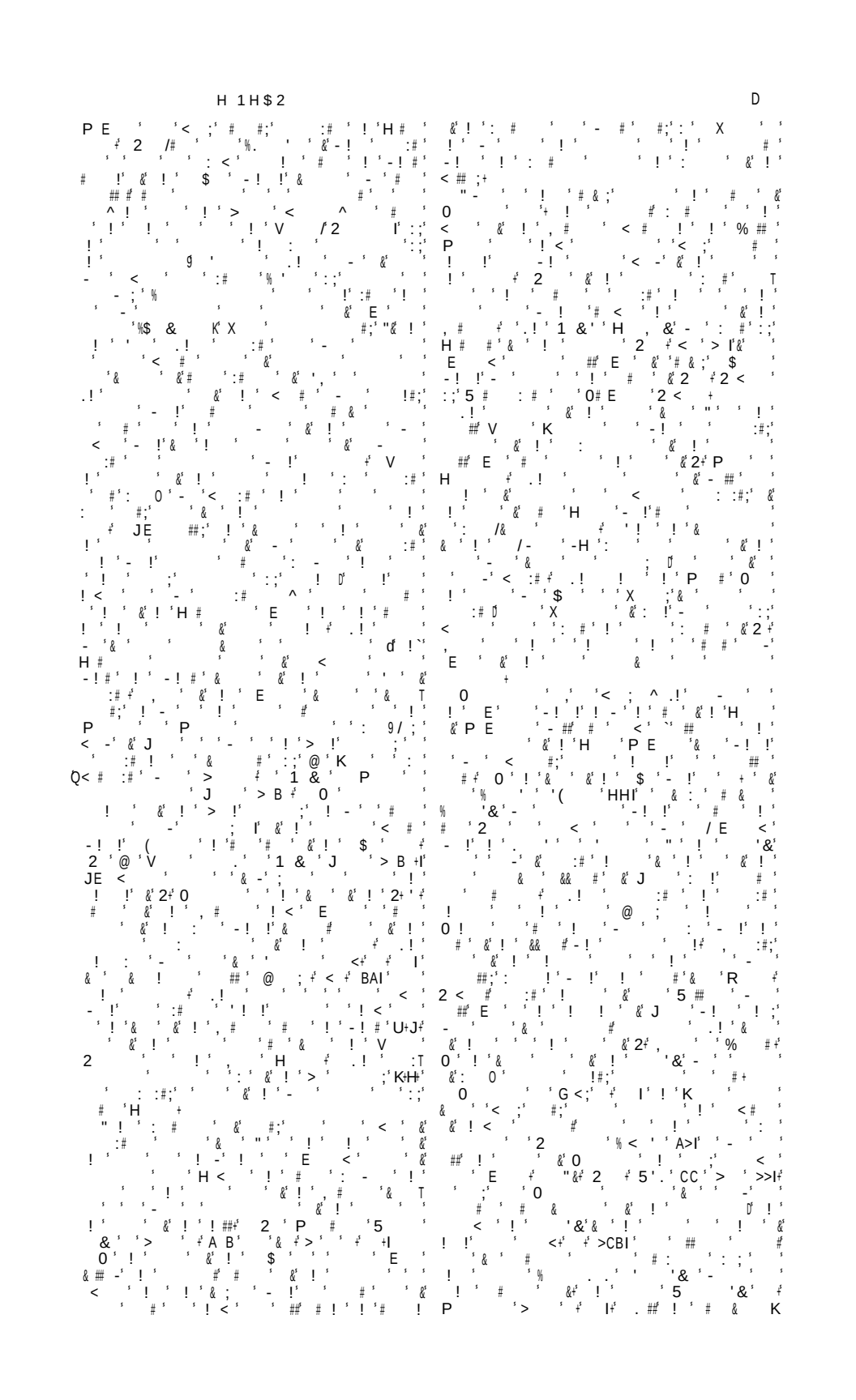


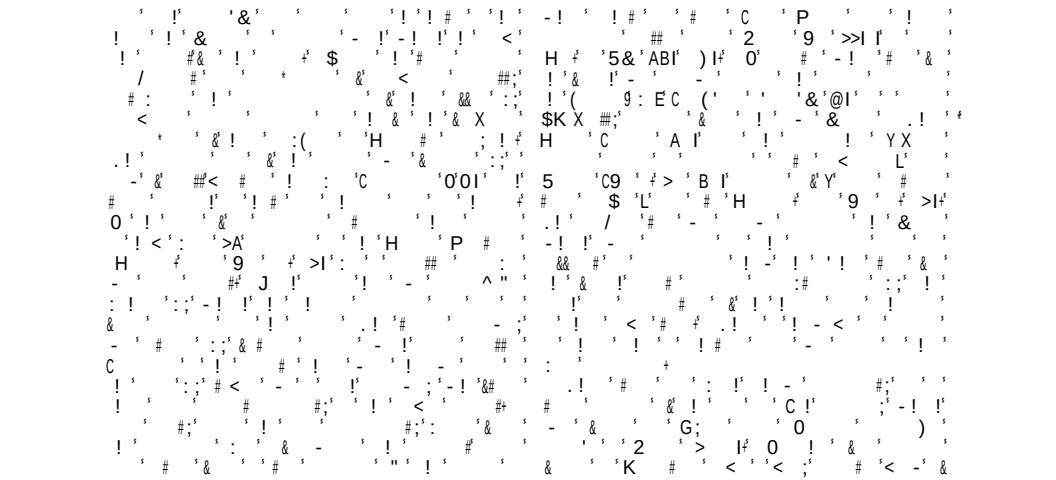












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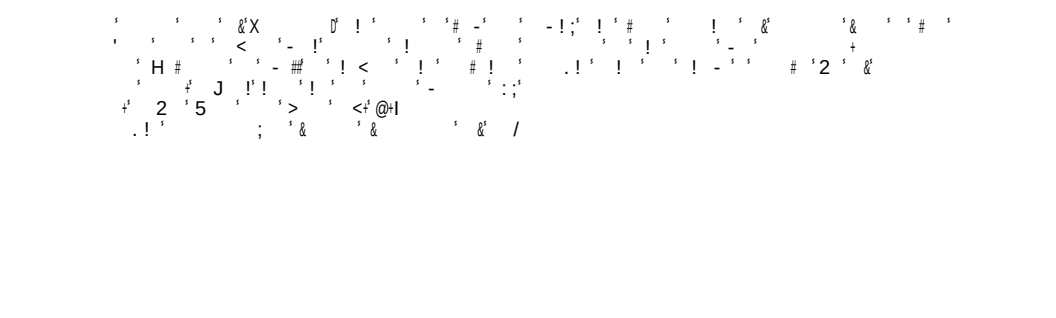
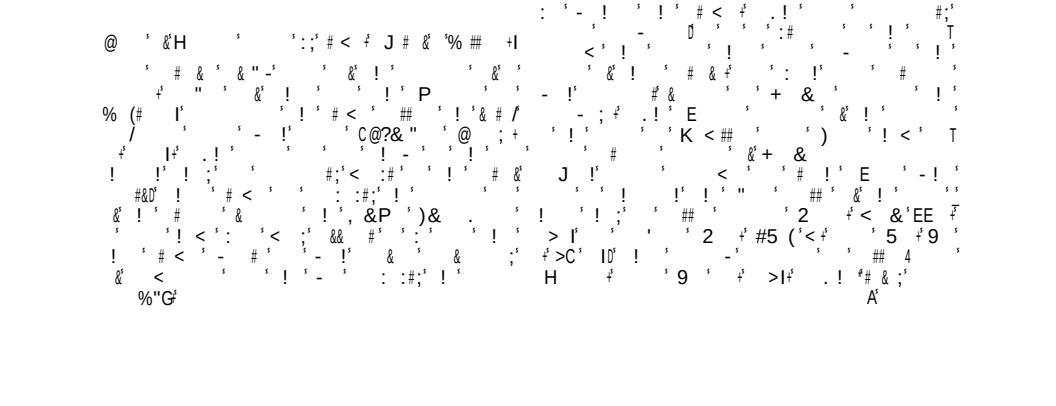
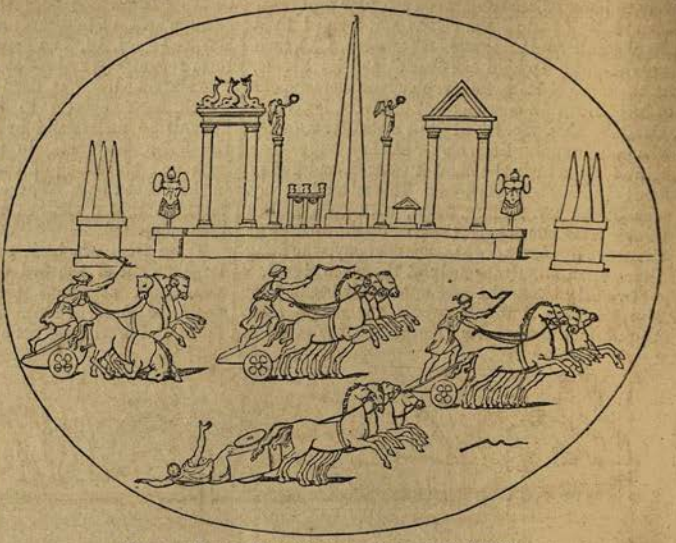




boxes above the *carceres* with their colonnades and arches towered to an imposing height, and the whole structure was known as the *oppidum*, from its resemblance to the gate and towers of a city (Varr. *L. L.* v. 153).

A first brass of Caracalla shows the external façade of the *oppidum*, and a sort of bird's-eye view beyond of the interior of the circus, with its *spina*, central obelisk, and *aediculae*, and statues in quadrigae set at the top of the wall surrounding the *cavea*. It will be seen from the typical plan given above that the *carceres* (A A) are slightly curved on plan, and are constructed on a segmental line, the centre of which is struck from a point midway (N) between the line of the *spina* and the side of the *cavea*. This plan was adopted in order that the chariots in all the *carceres* might have as nearly as possible a portion of equal advantage at the start. The special *carcer* occupied by each chariot was fixed on by drawing lots.

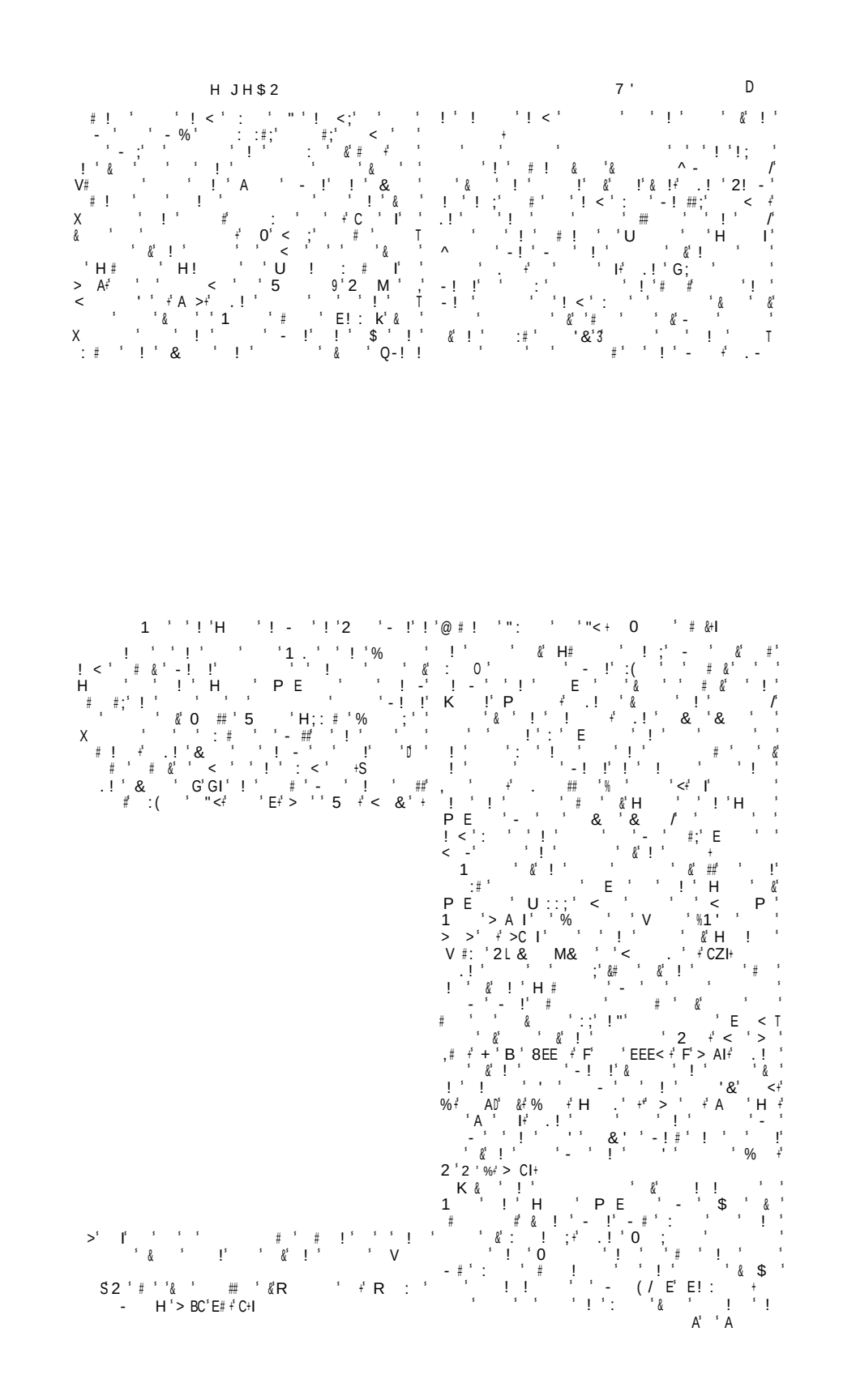


Circus. (From a Florentine gem; Gori, vol. ii. pl. 79.)

The *spina* (back-bone, Cassiod. *Var. Ep.* iii. 51) was a long low wall or rather platform of marble (M M), set in the middle of the *arena* to separate the going and returning course of the racers. The line of the *spina* is not parallel to that of the *cavea*, but is slightly inclined so as to leave a wider space at K than that near the semicircular end. The object of this seems to have been that the chariots might have more space where they were crowded together at the start than at other points where some would have begun to tail off.

Games of the Circus on Roman lamp. (British Museum; from Birch, *Ancient Pottery*, p. 516.)

Various mosaics and reliefs show the *spina* (M M) covered with a series of statues and ornamental structures, such as obelisks, small *aediculae* or shrines, columns surmounted by statues, altars, trophies, and fountains. In addition to these were two sets of seven marble eggs (*ova*) at each end of the *spina*—each set mounted on a small *aedicula*, to which access was given by a ladder (Liv. xli. 27). One of these eggs was removed after each lap (*curriculum*) was run (Varr. *Re Rust.* i. 2, 11, and Cassiod. *Var. Ep.* iii. 51), there being usually seven laps to each race (*missus*). According to Livy (xli. 27), these *ova* were first set on the *spina* by the censors in 174 B.C.; but Dio Cassius (xlix. 43) attributes their introduction to Agrippa, in the reign of Augustus. He is, however, probably confusing them with another series of ornaments—seven dolphins, which were set on a similar *aedicula* and served a similar purpose (Juv. vi. 590). These



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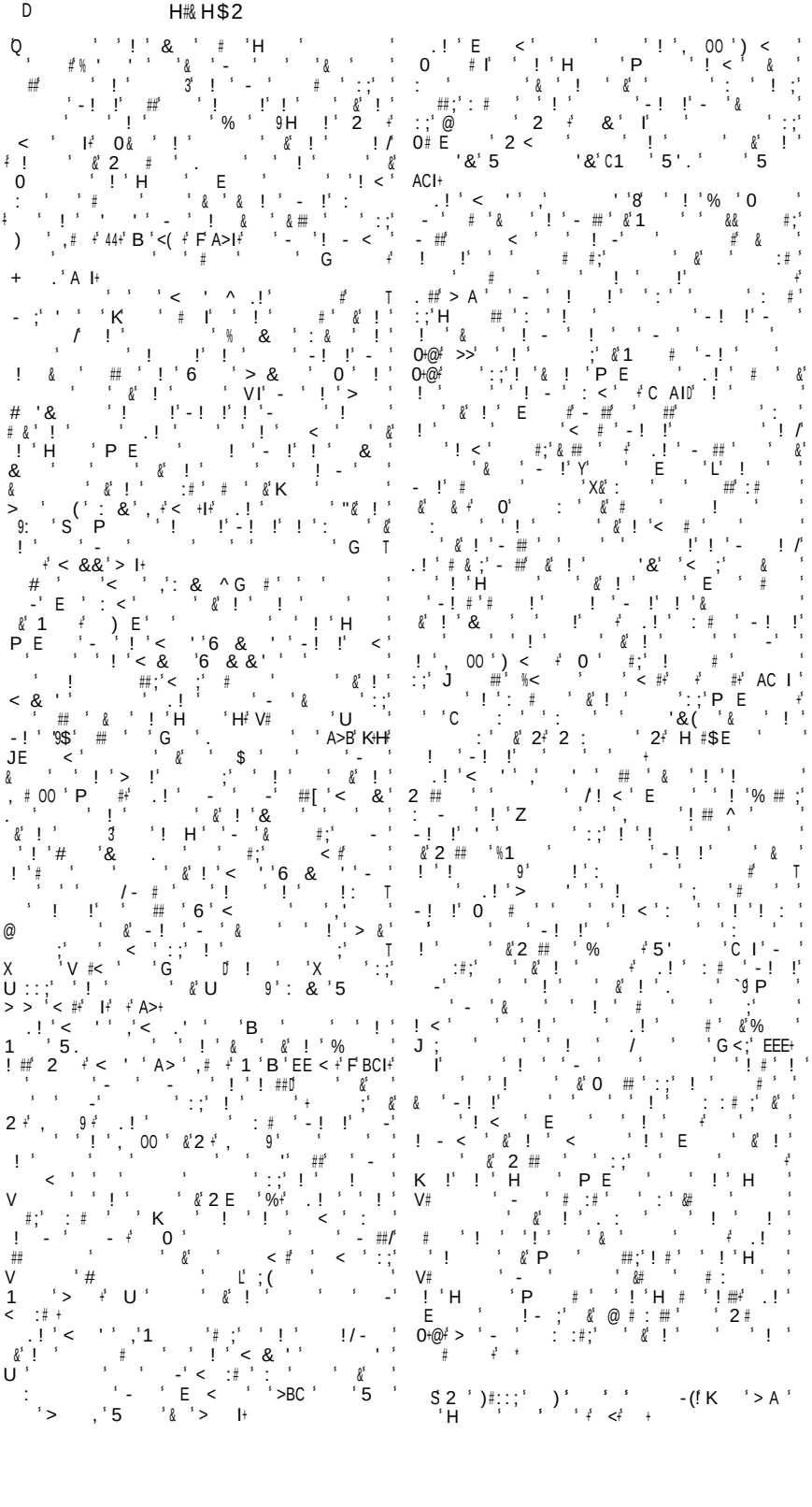

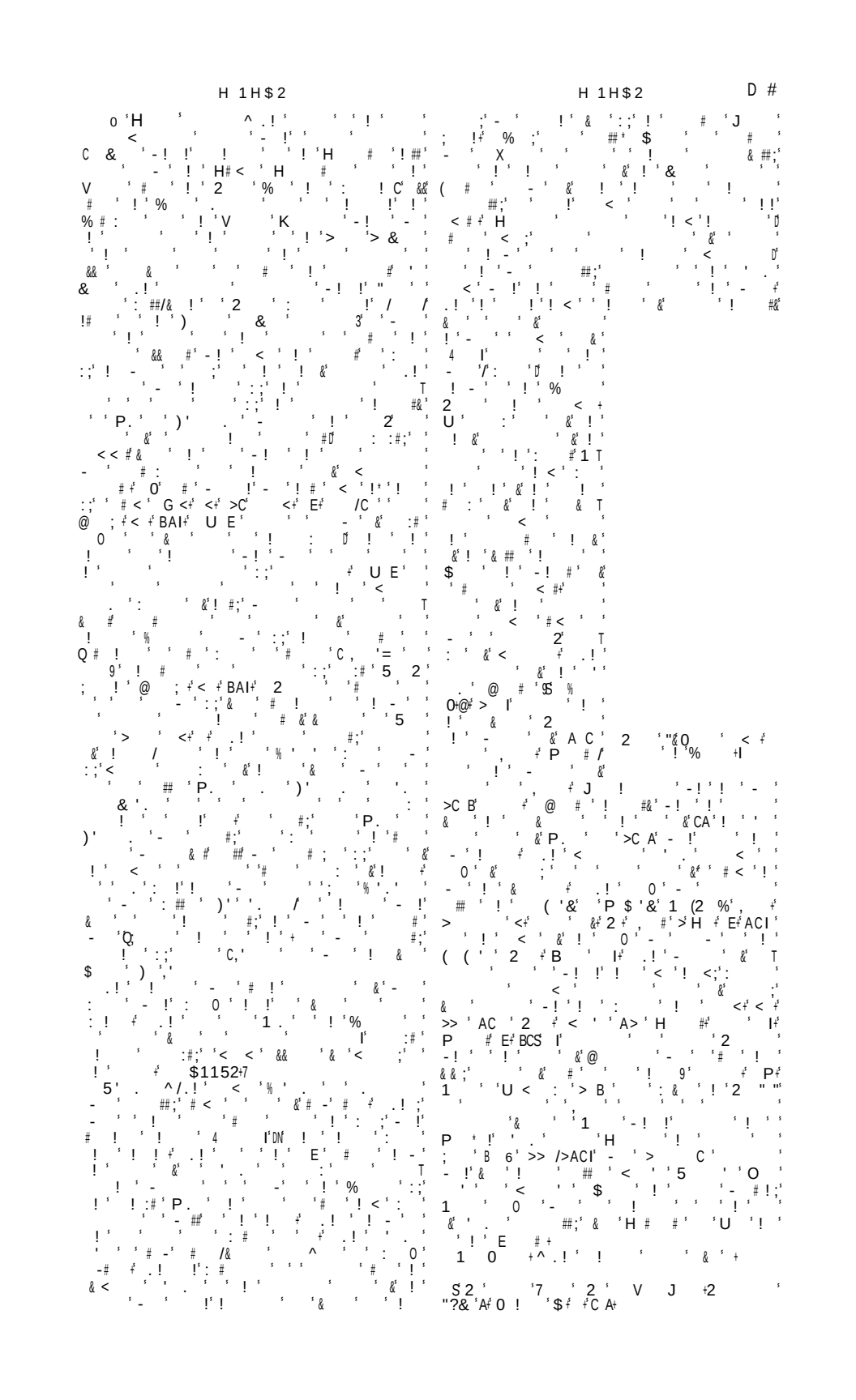

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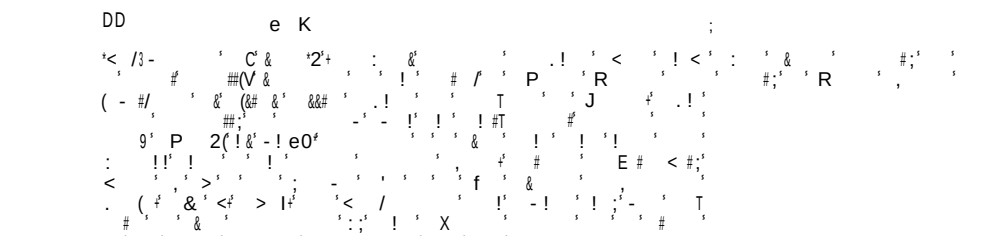

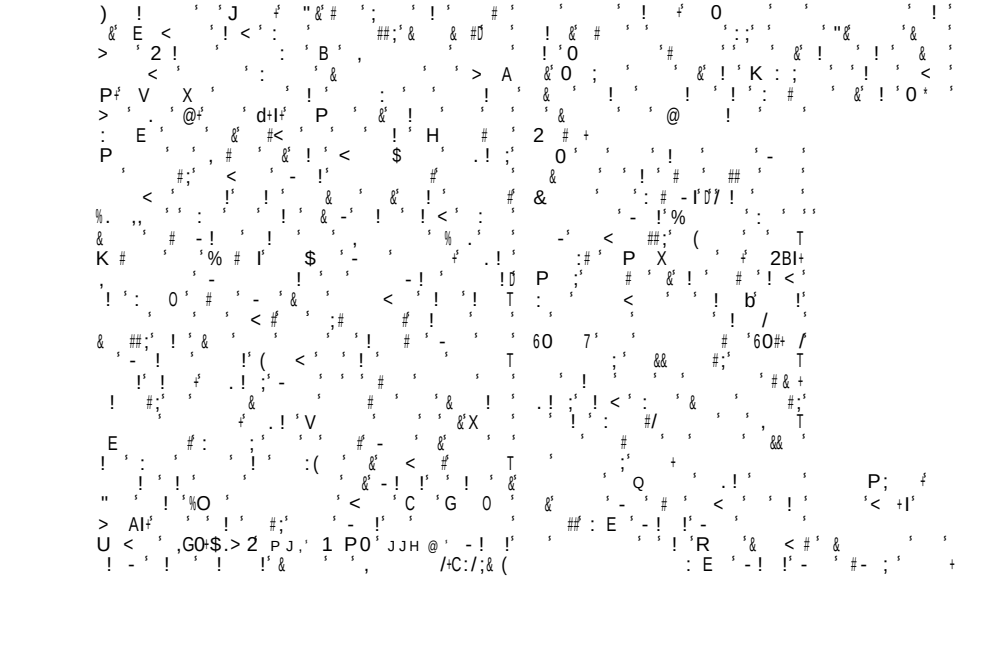

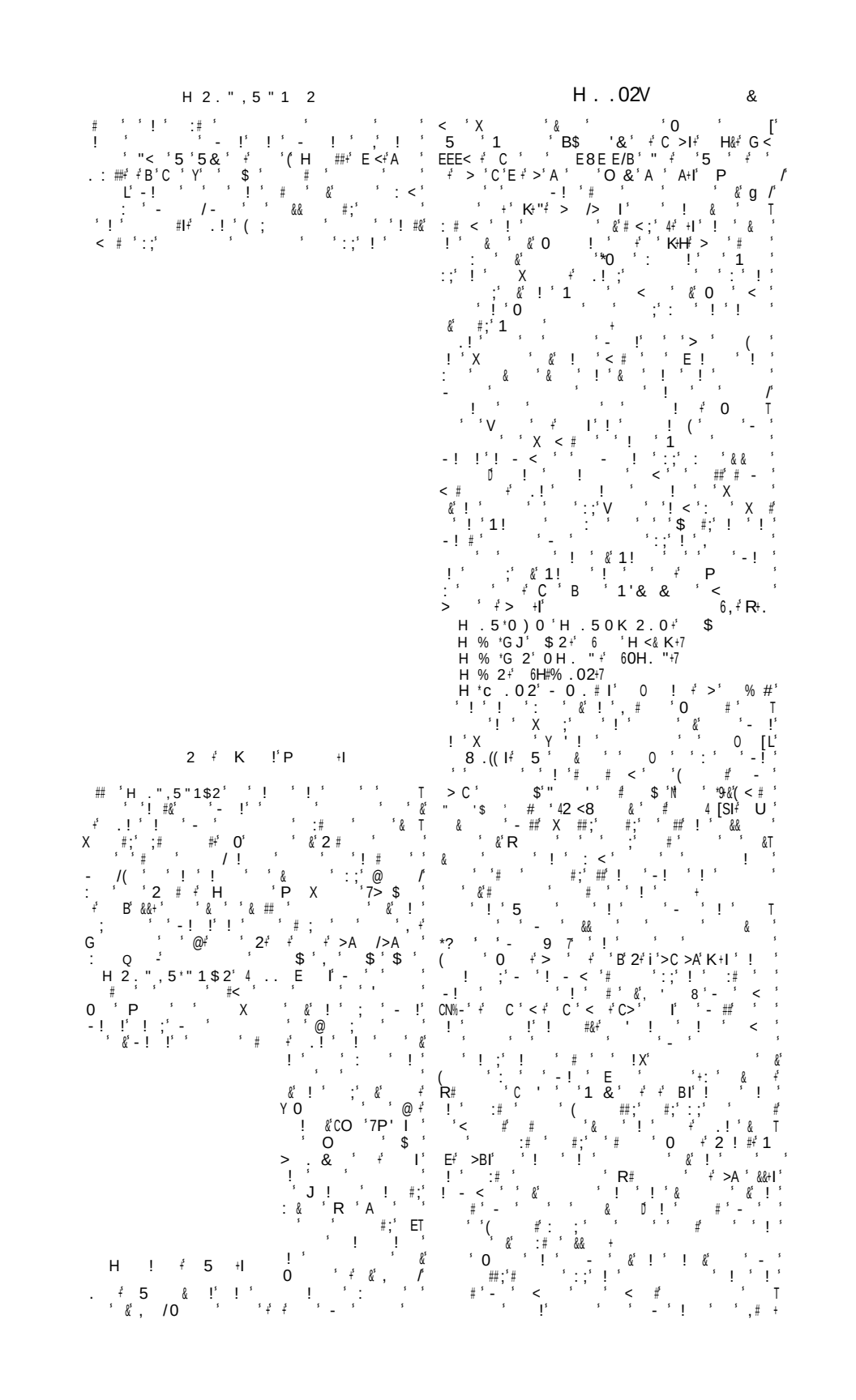

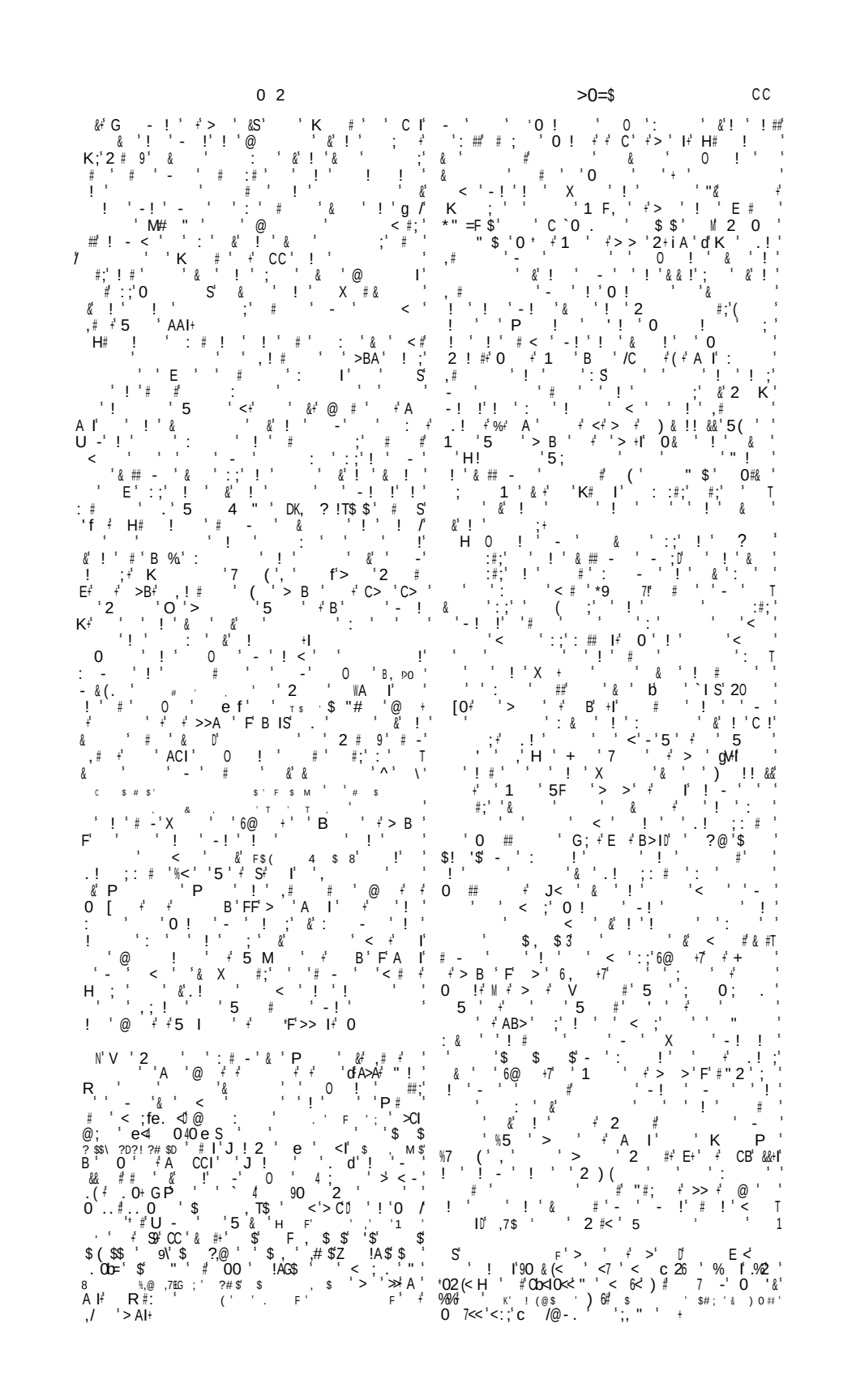

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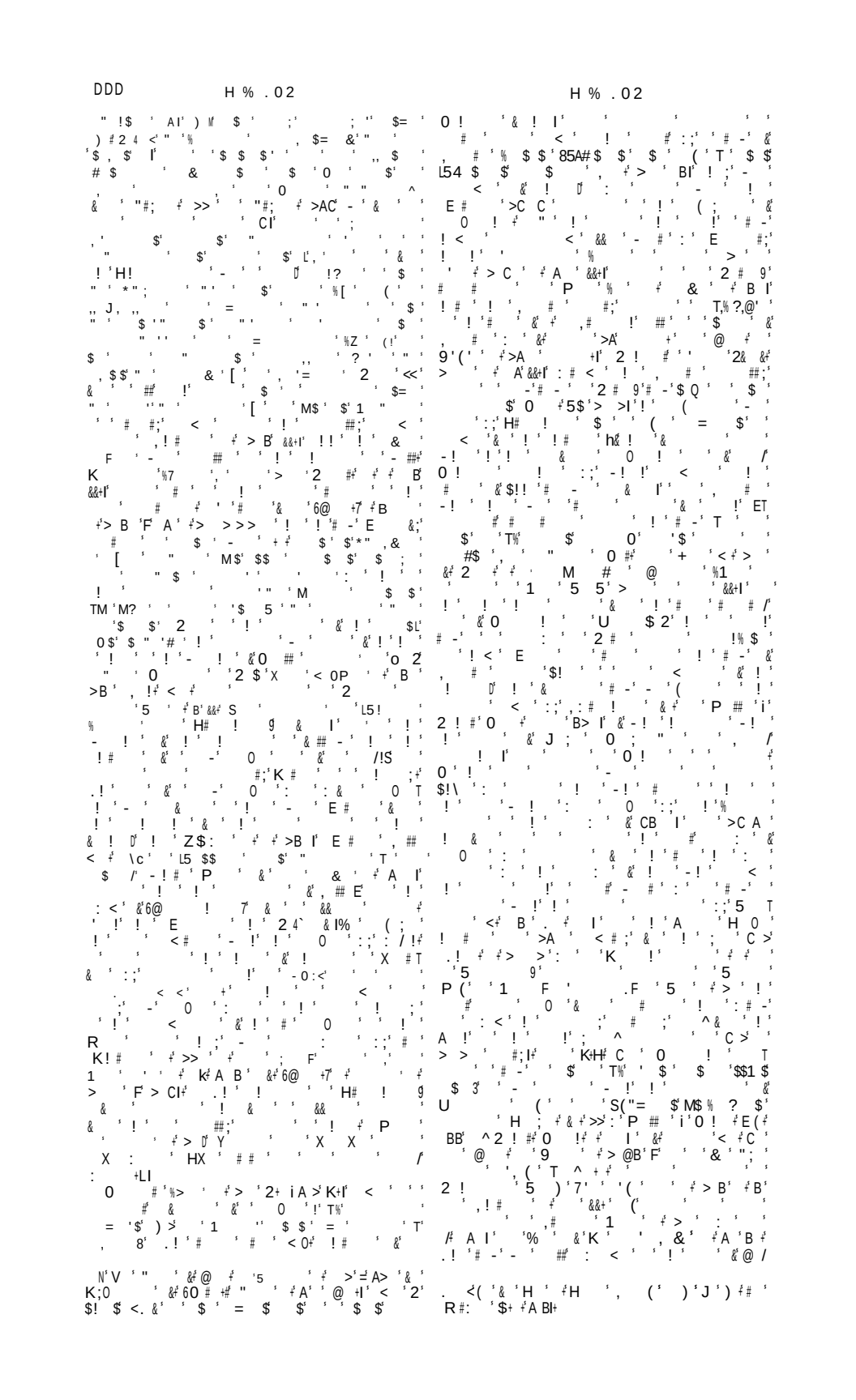

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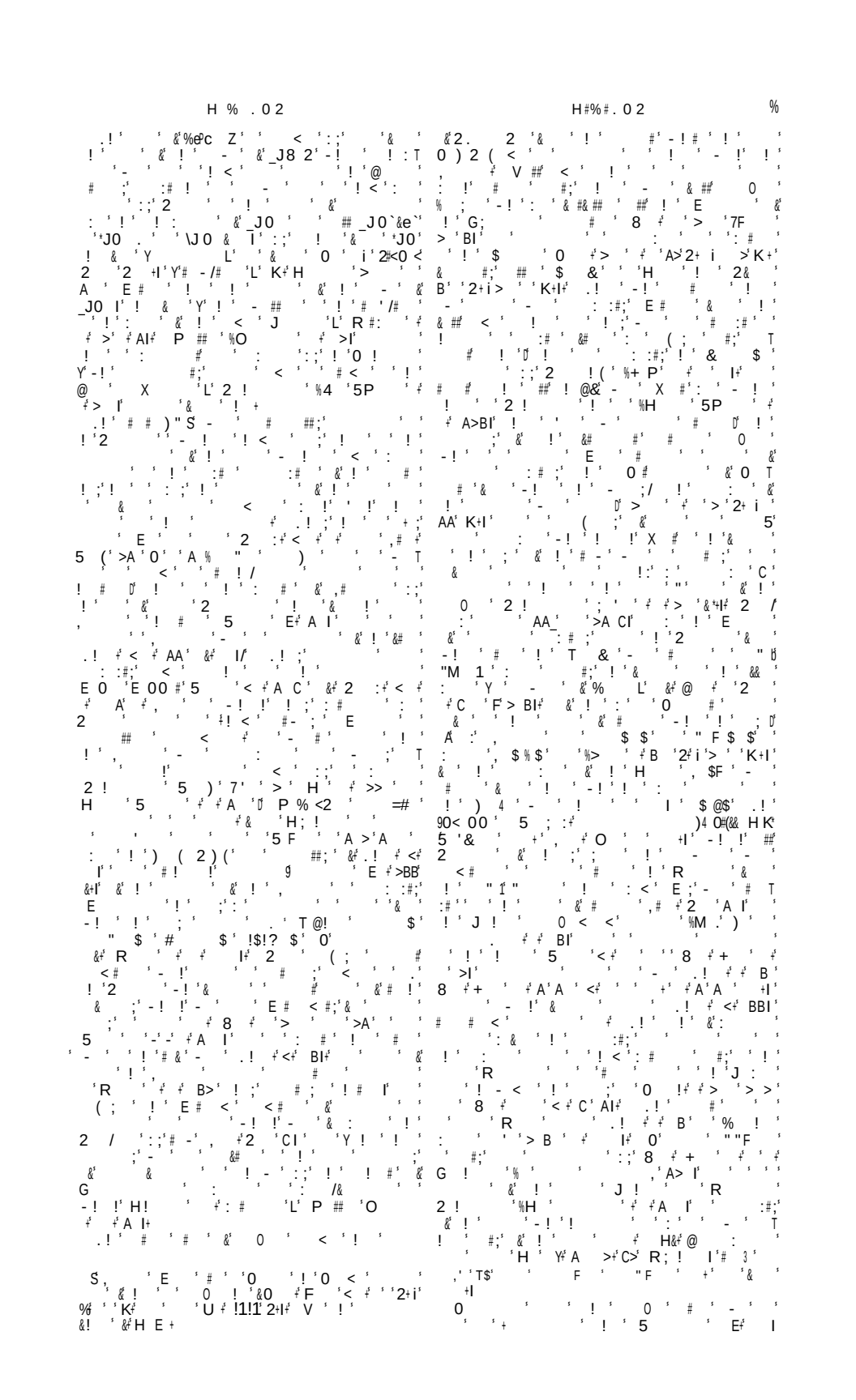

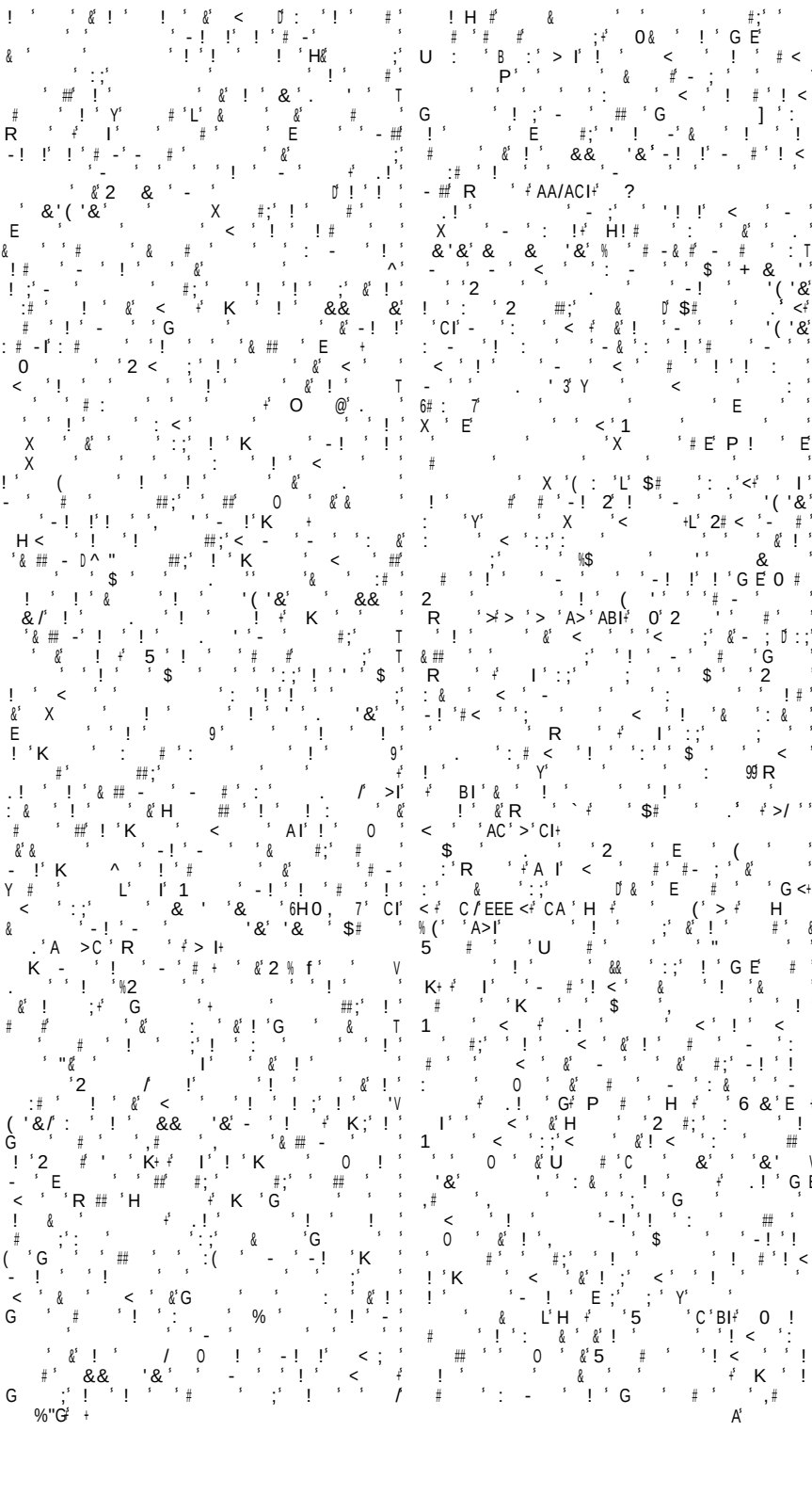

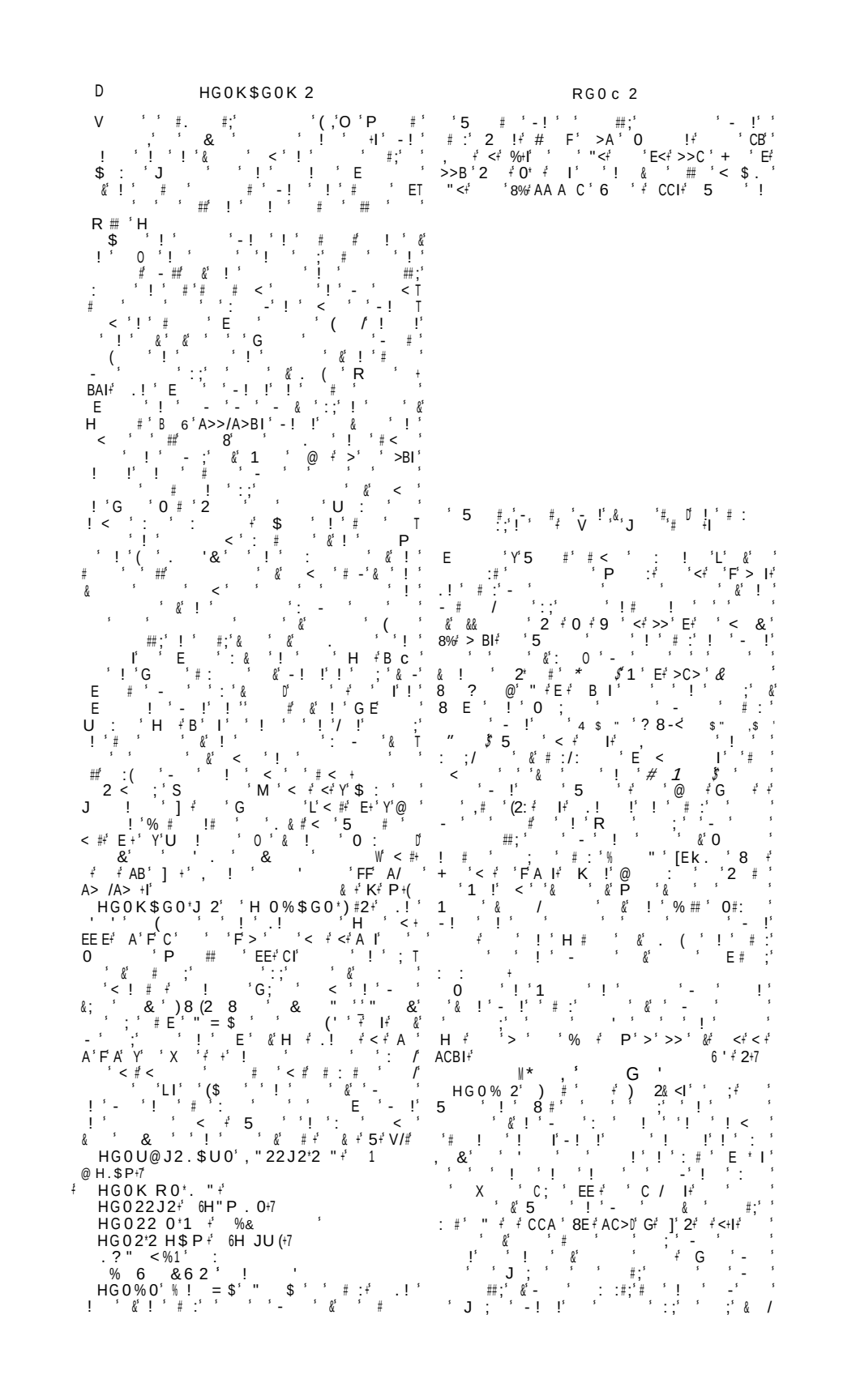

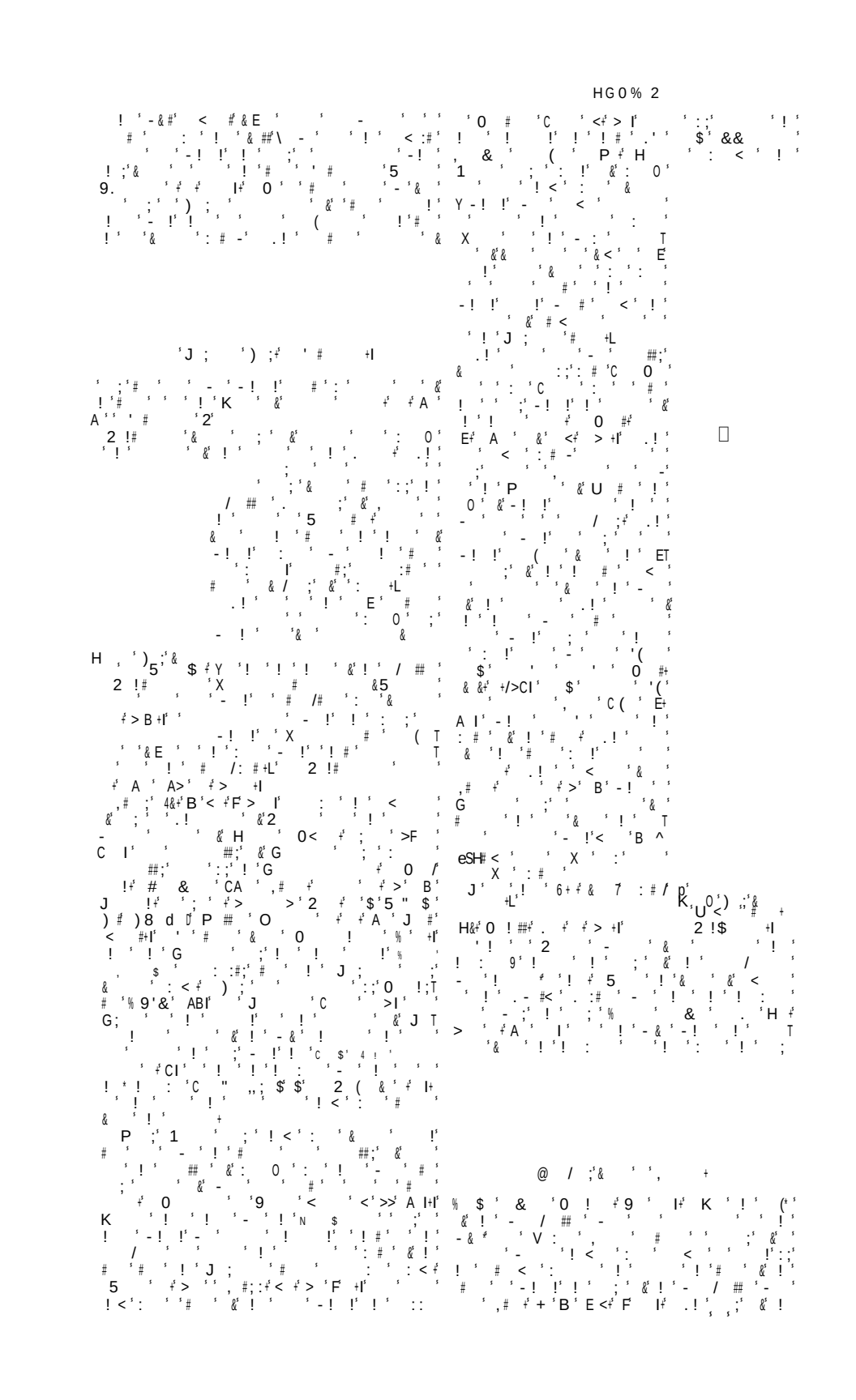

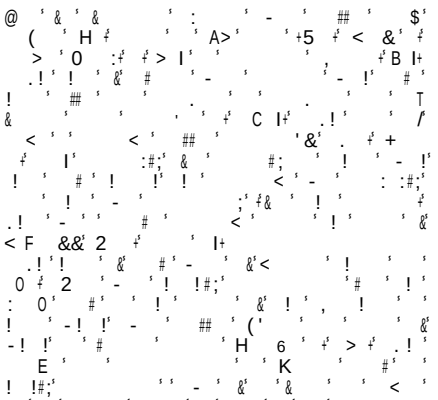

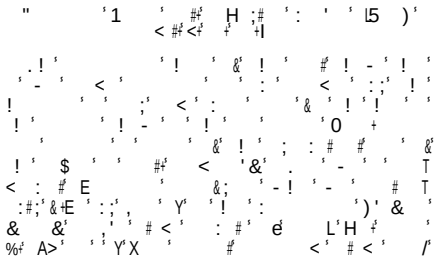

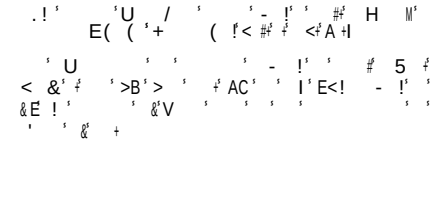

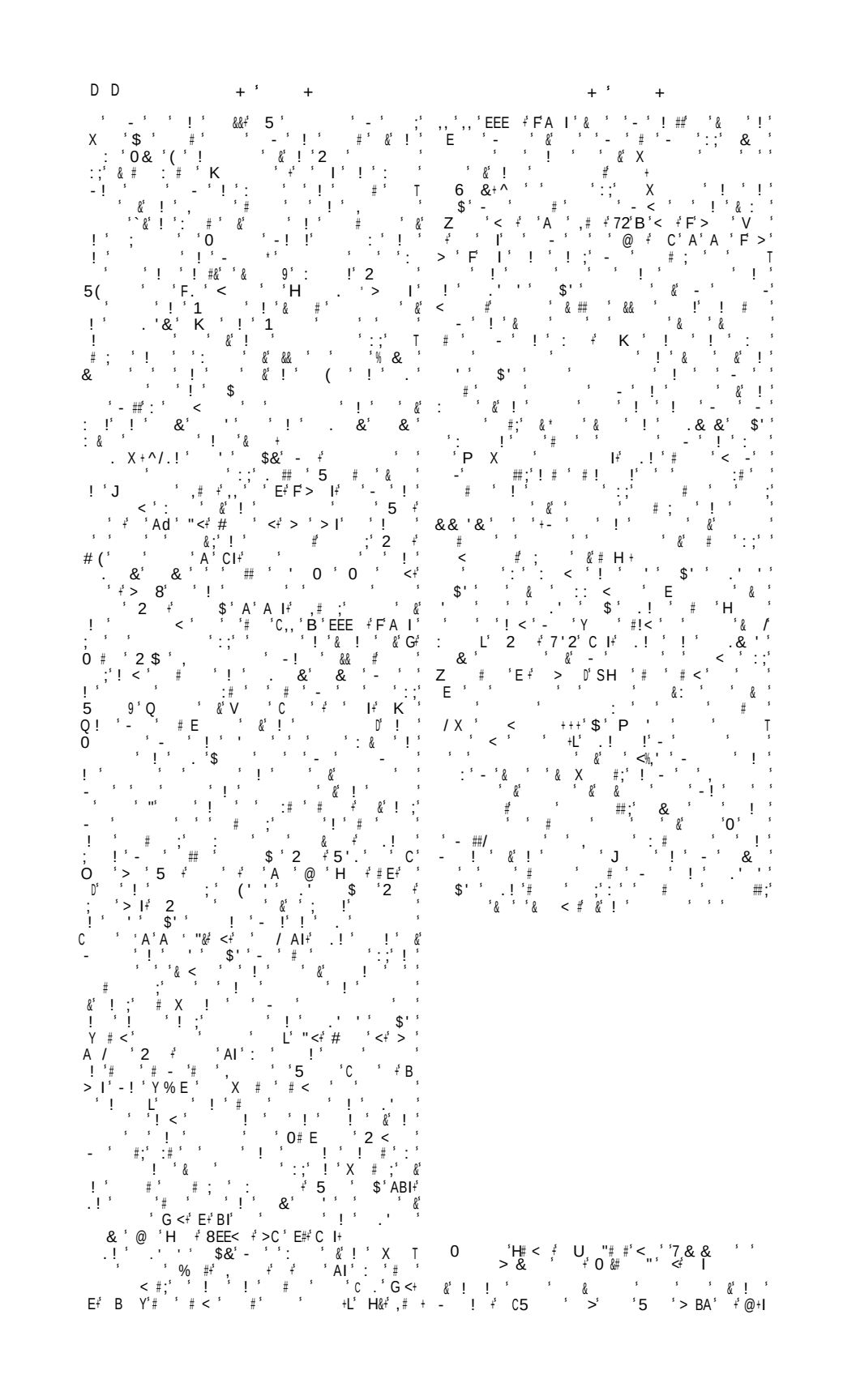

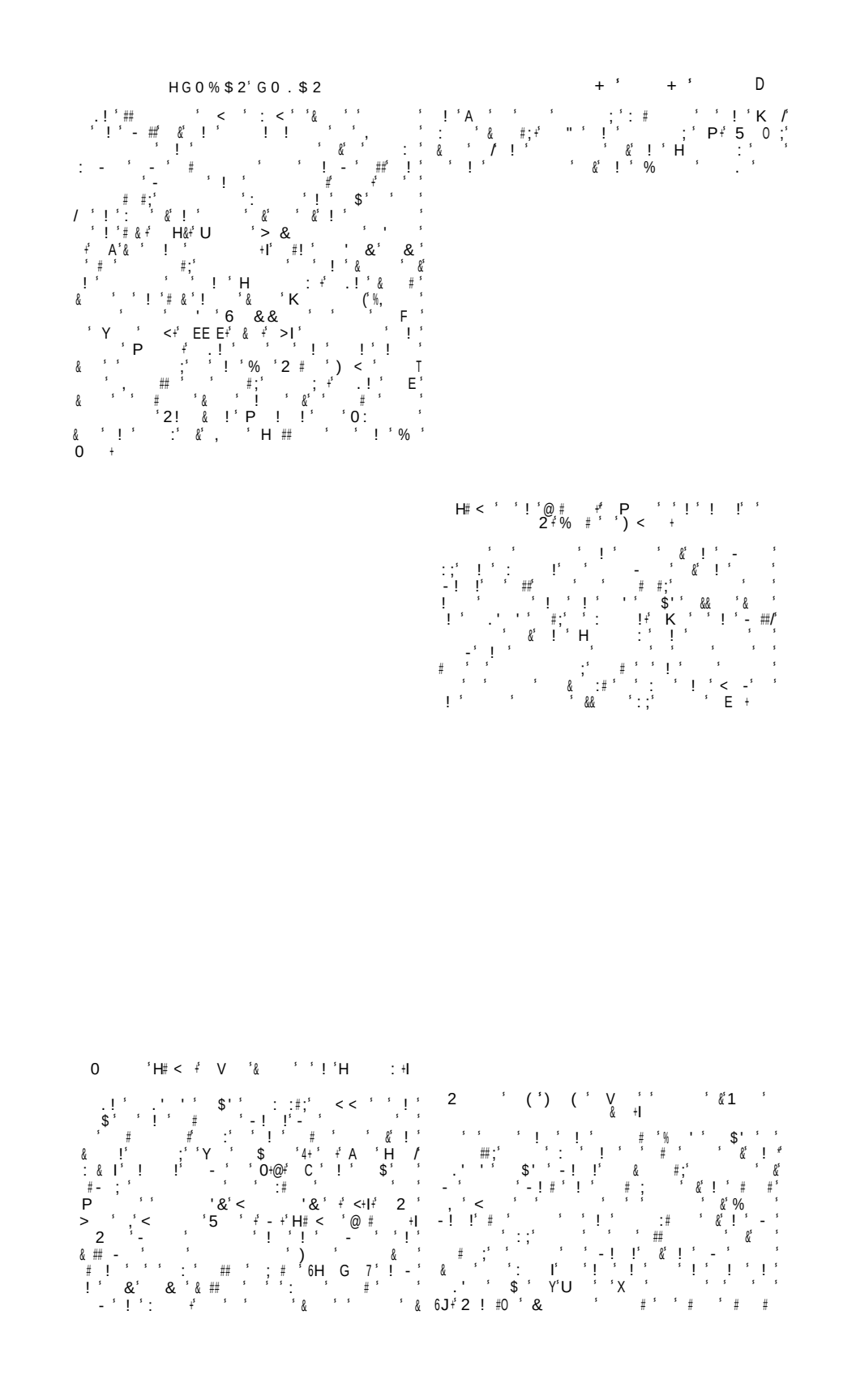

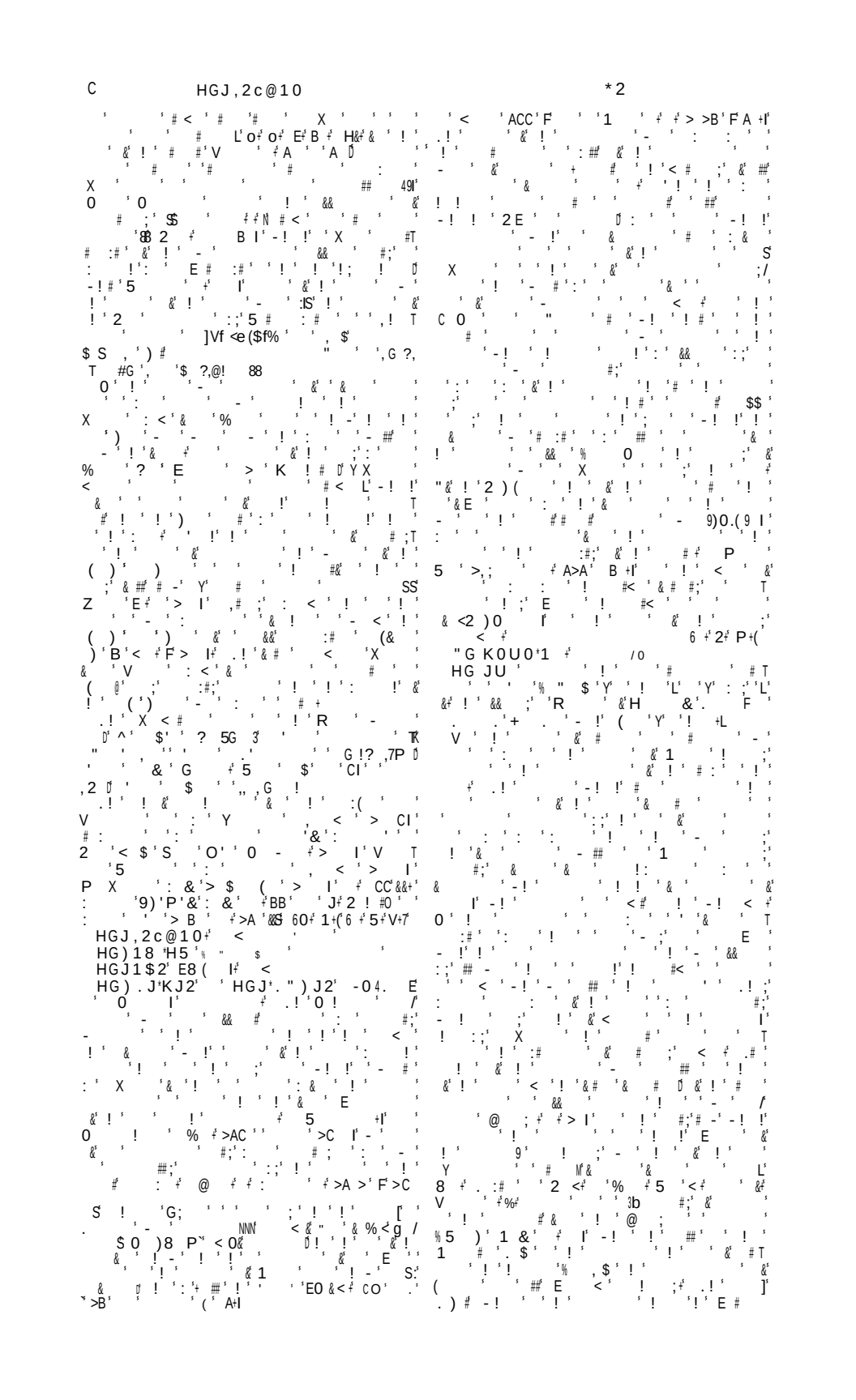

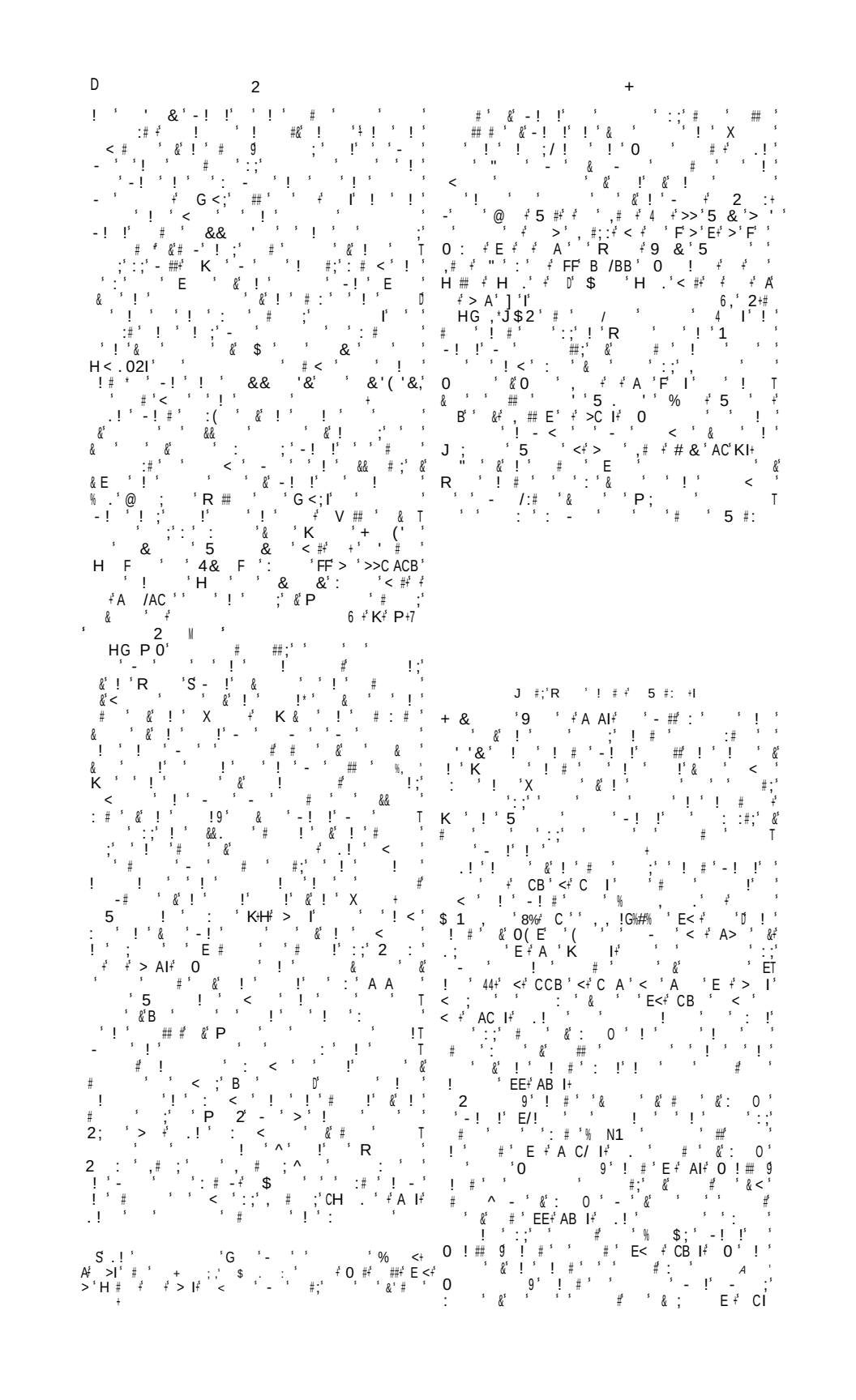

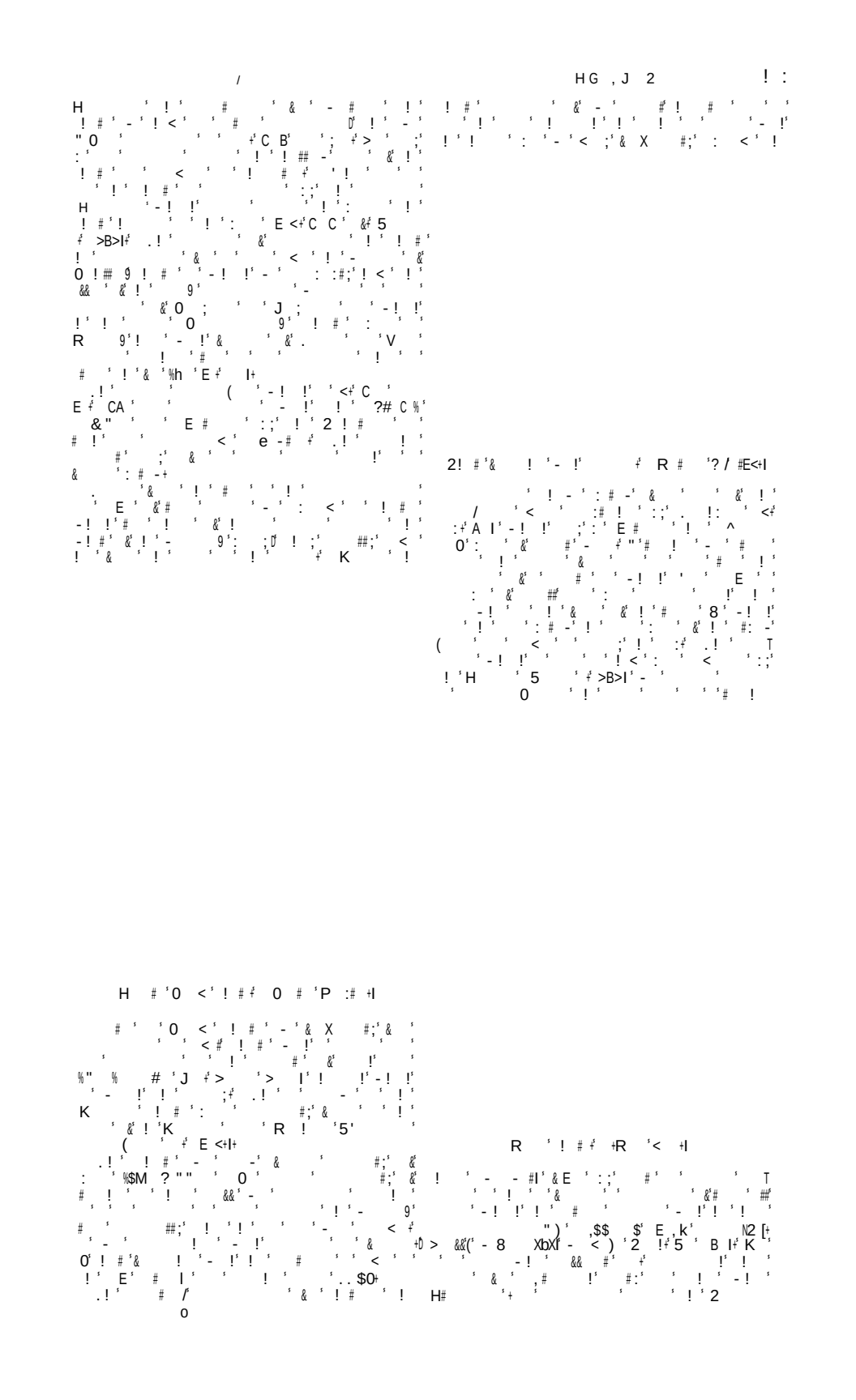

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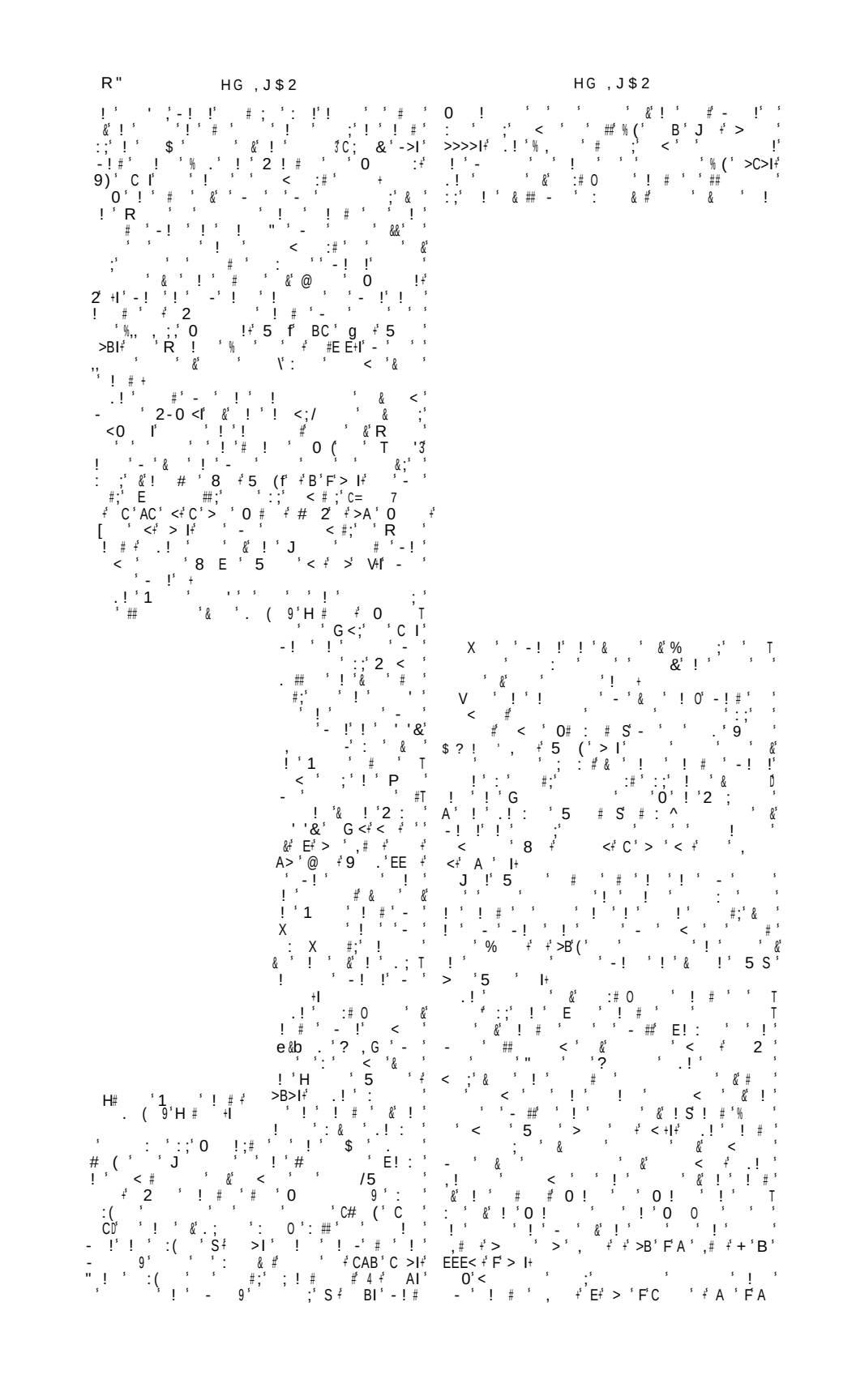

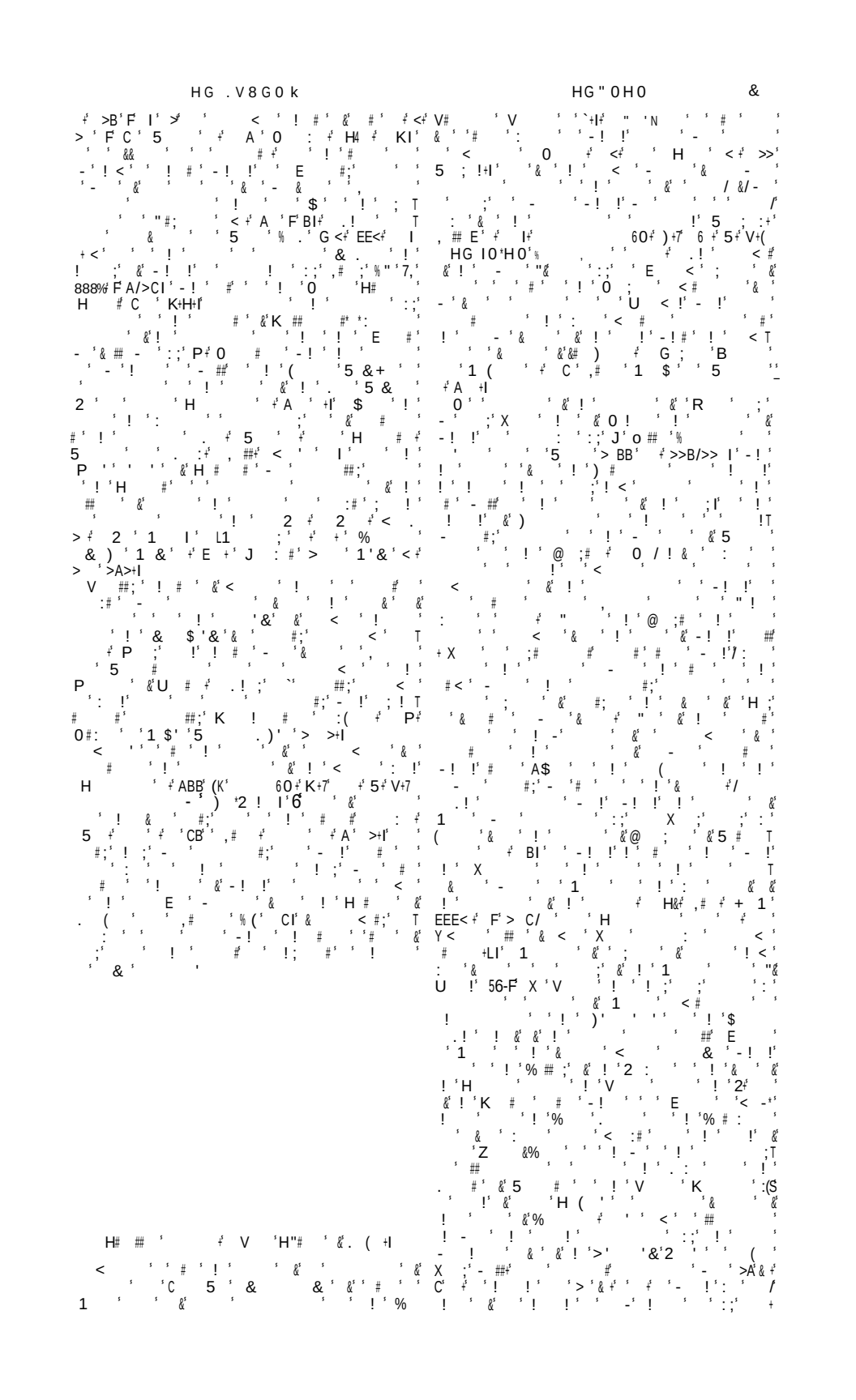

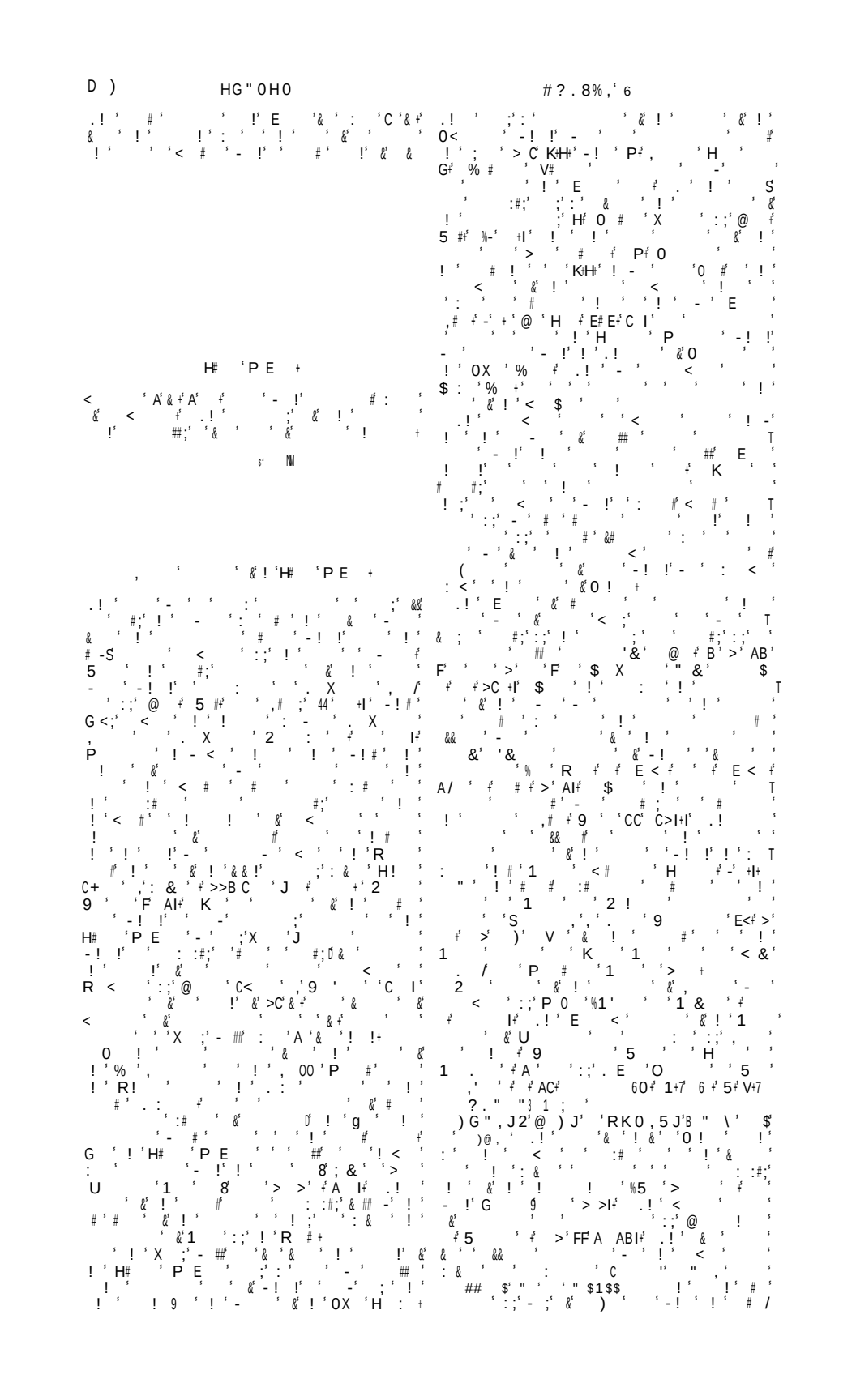

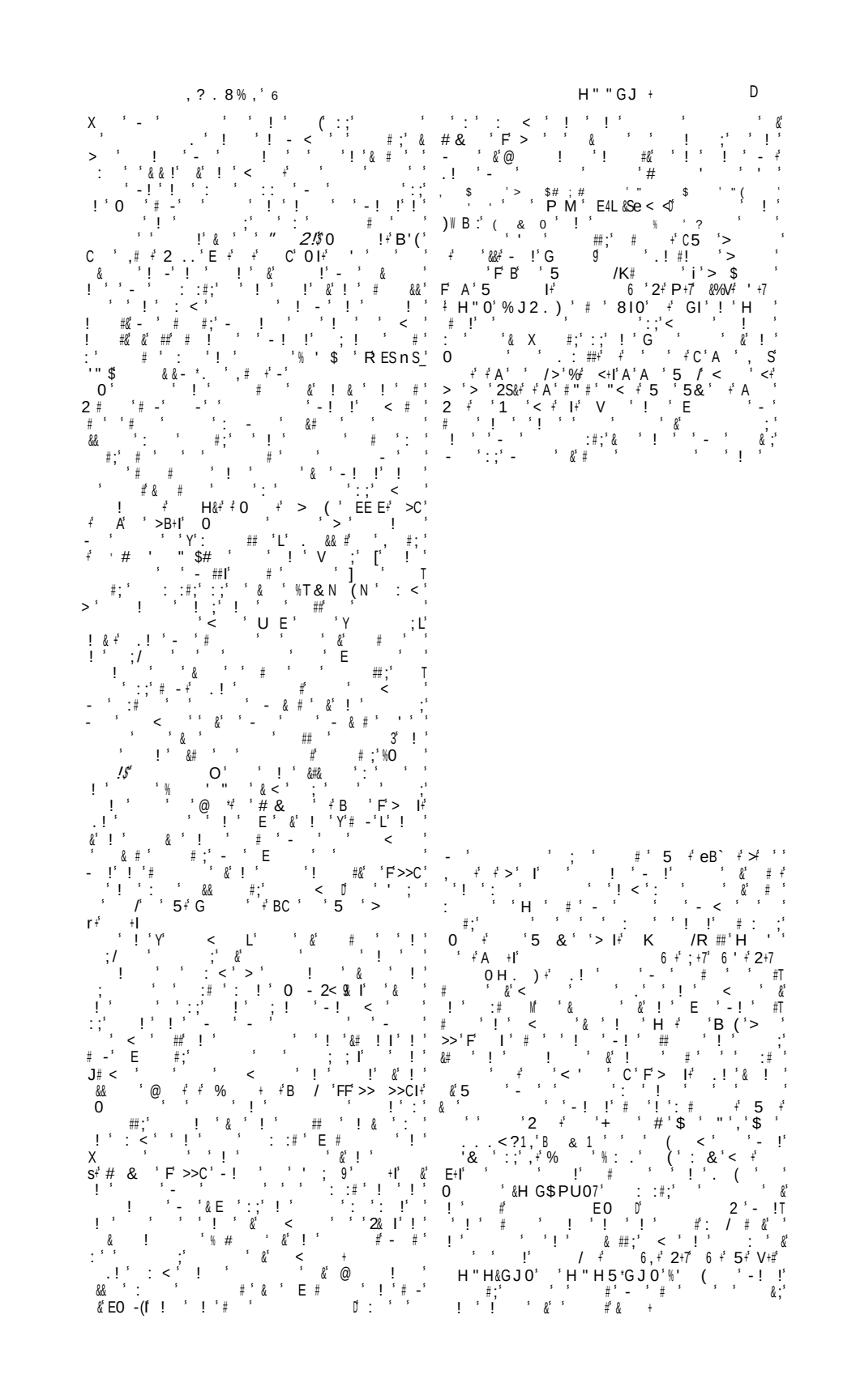

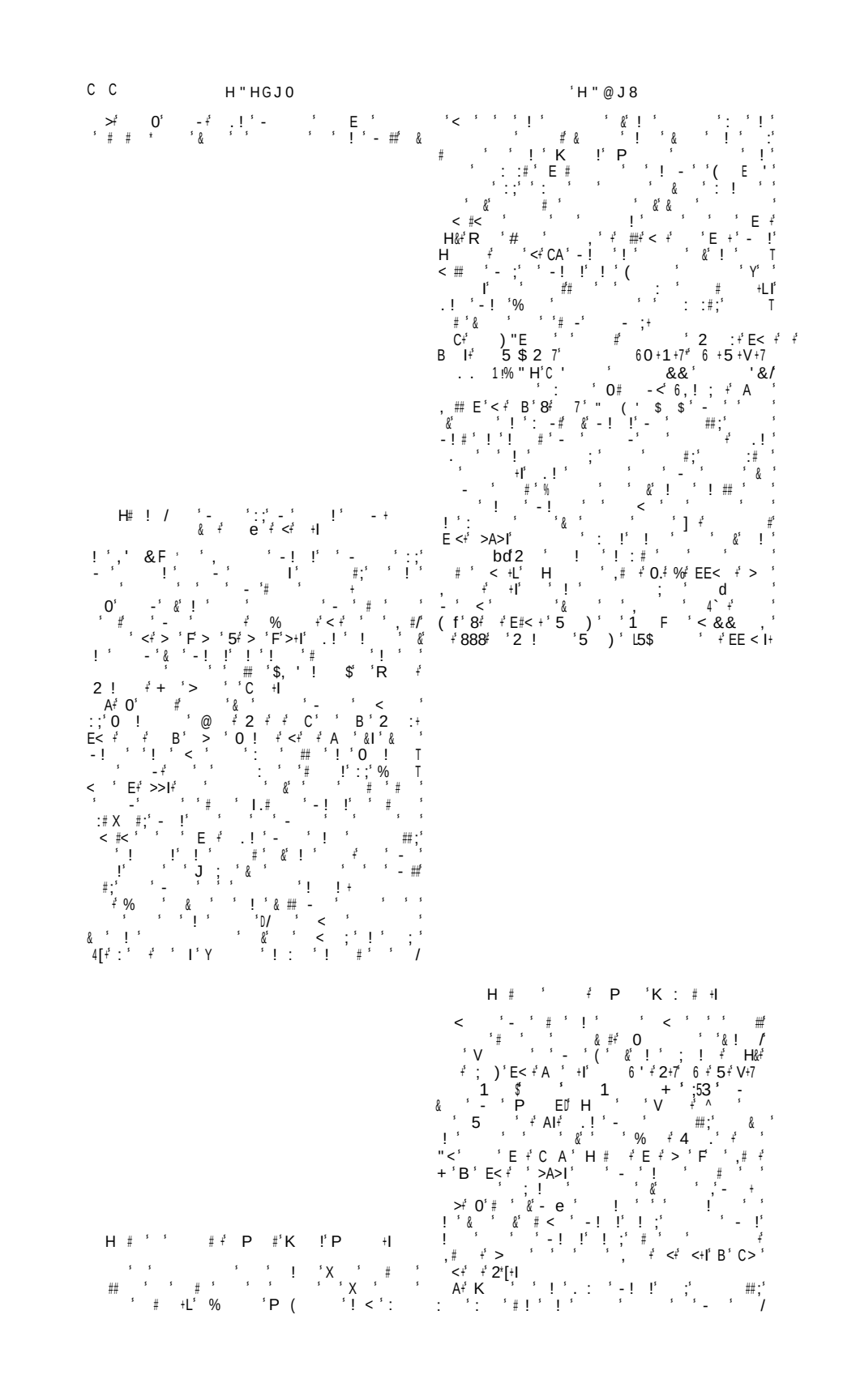

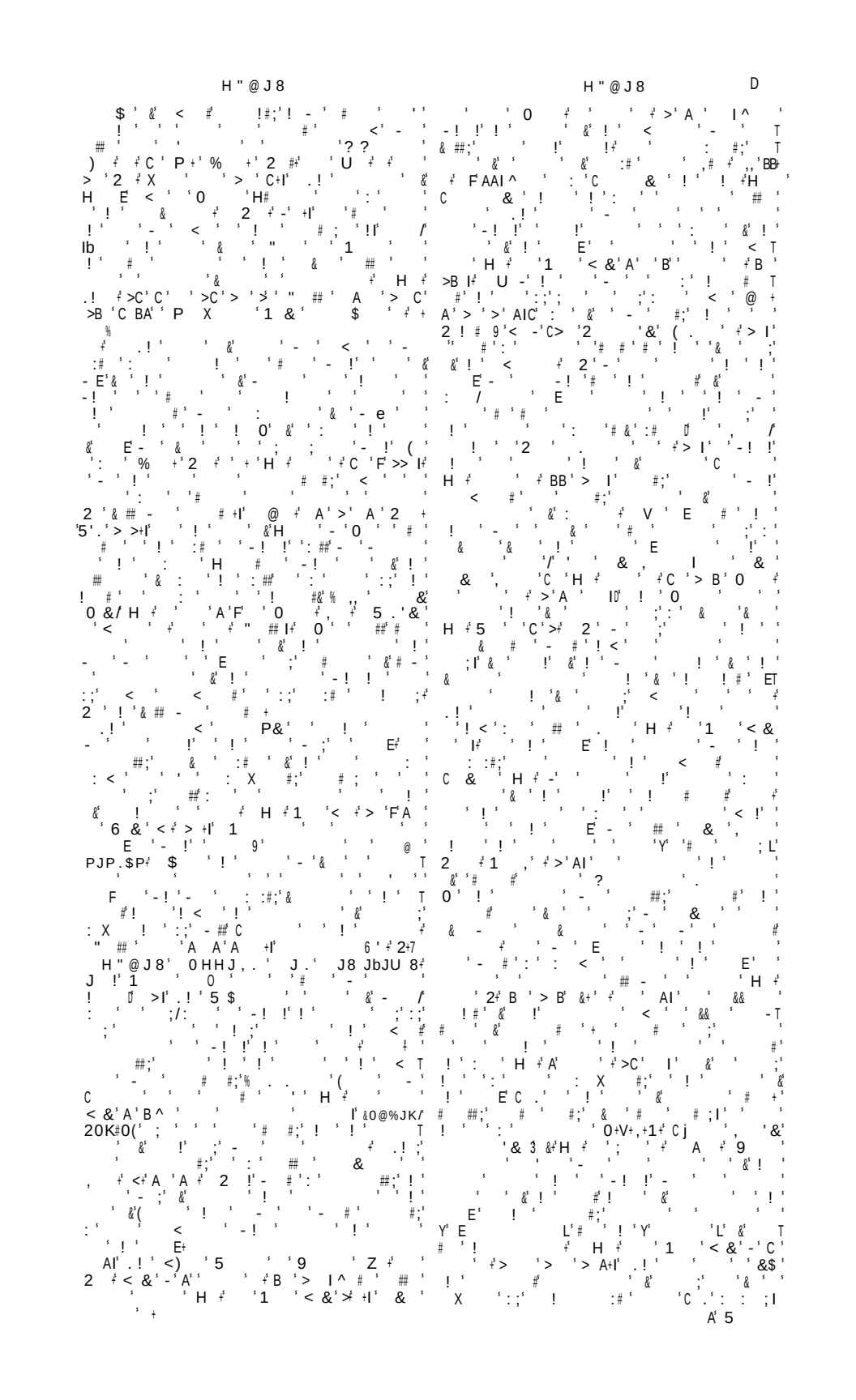

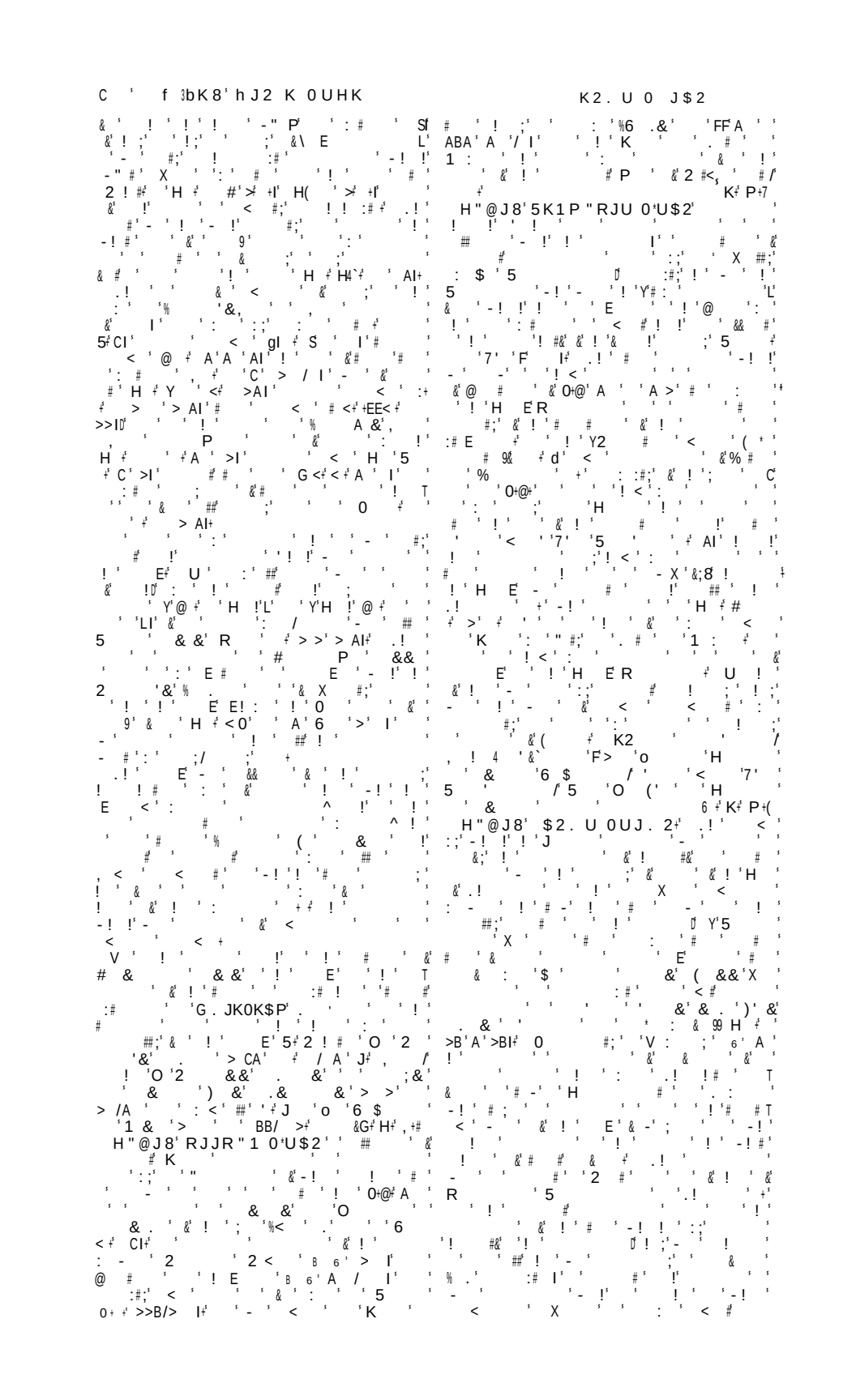

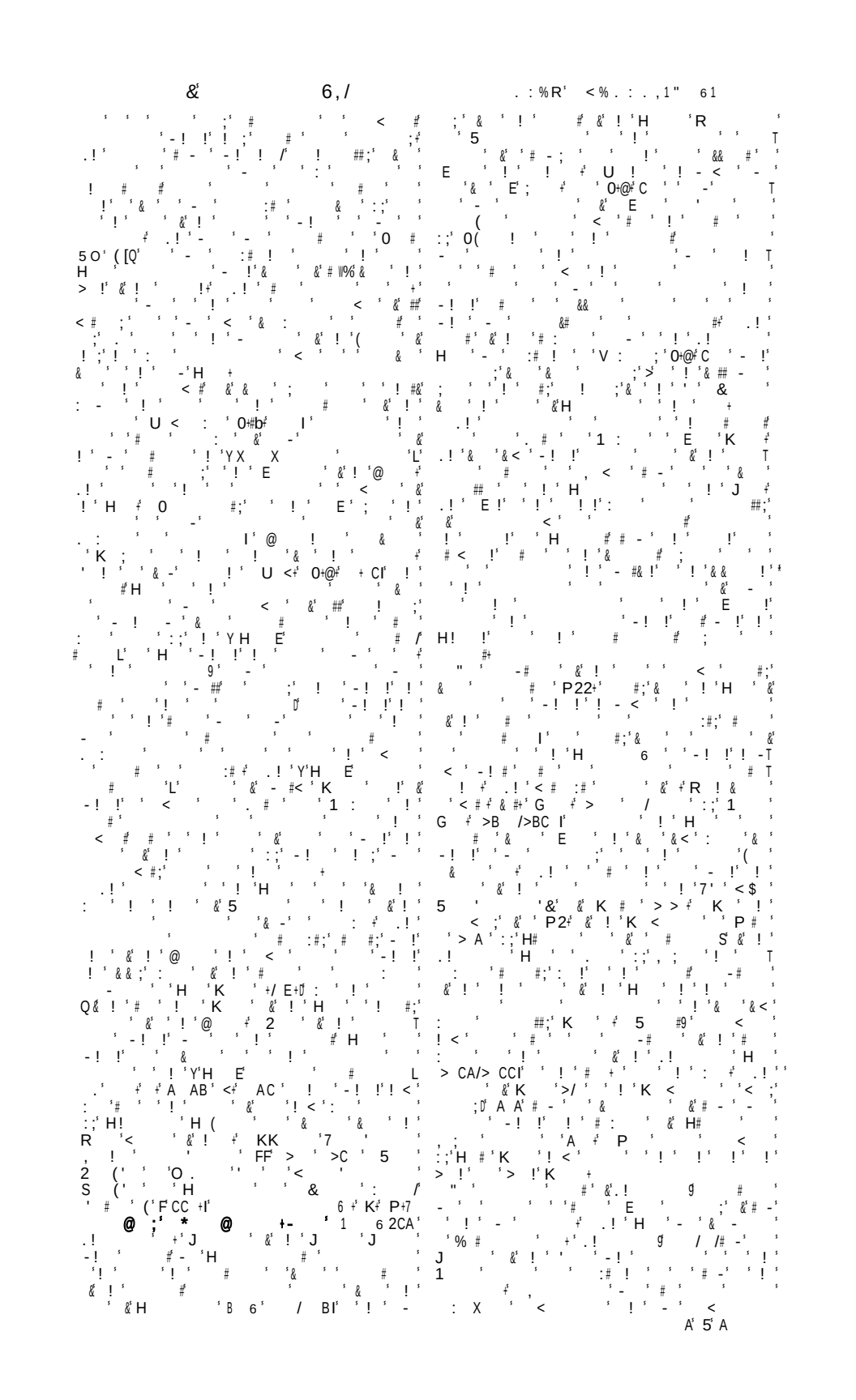

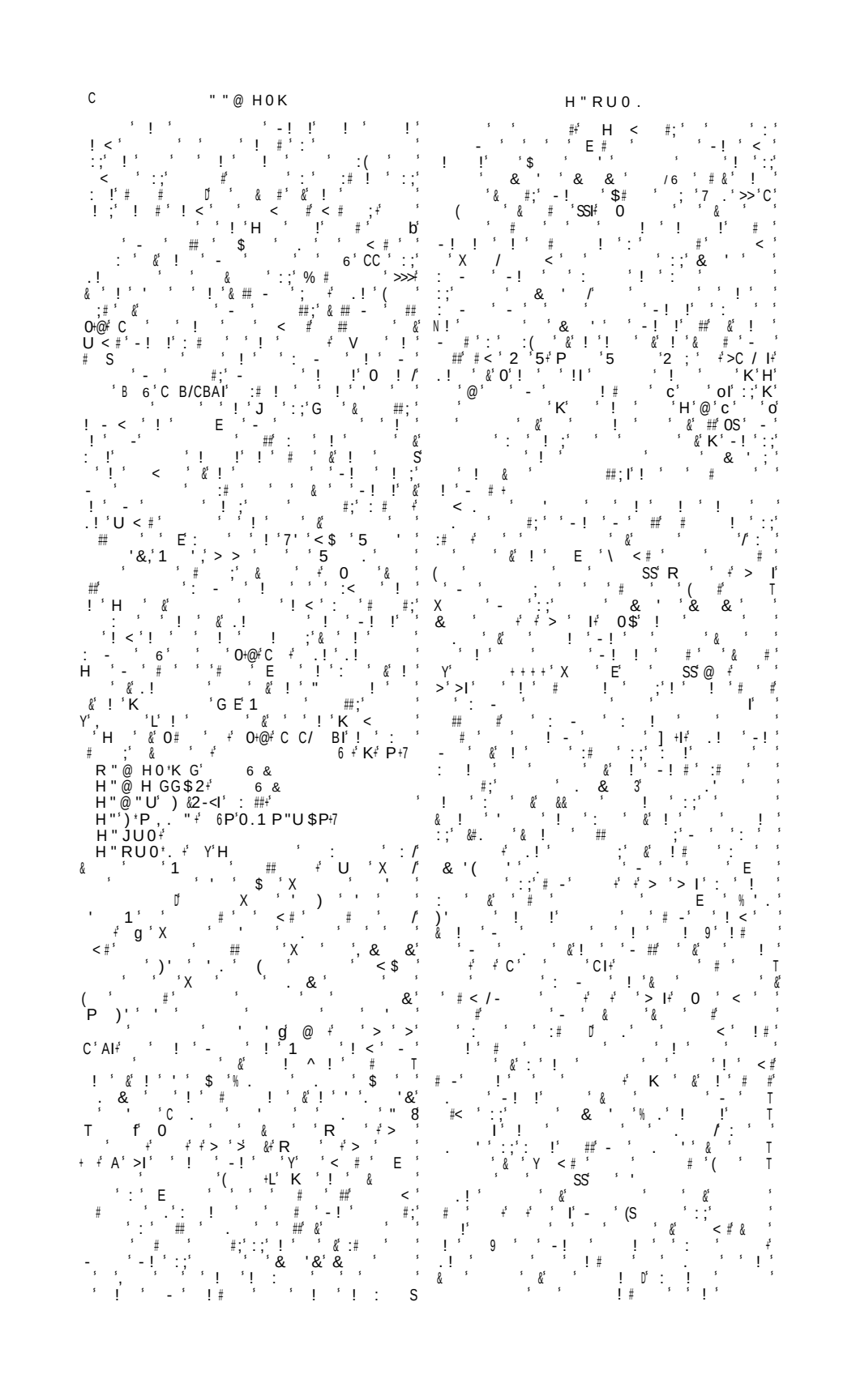

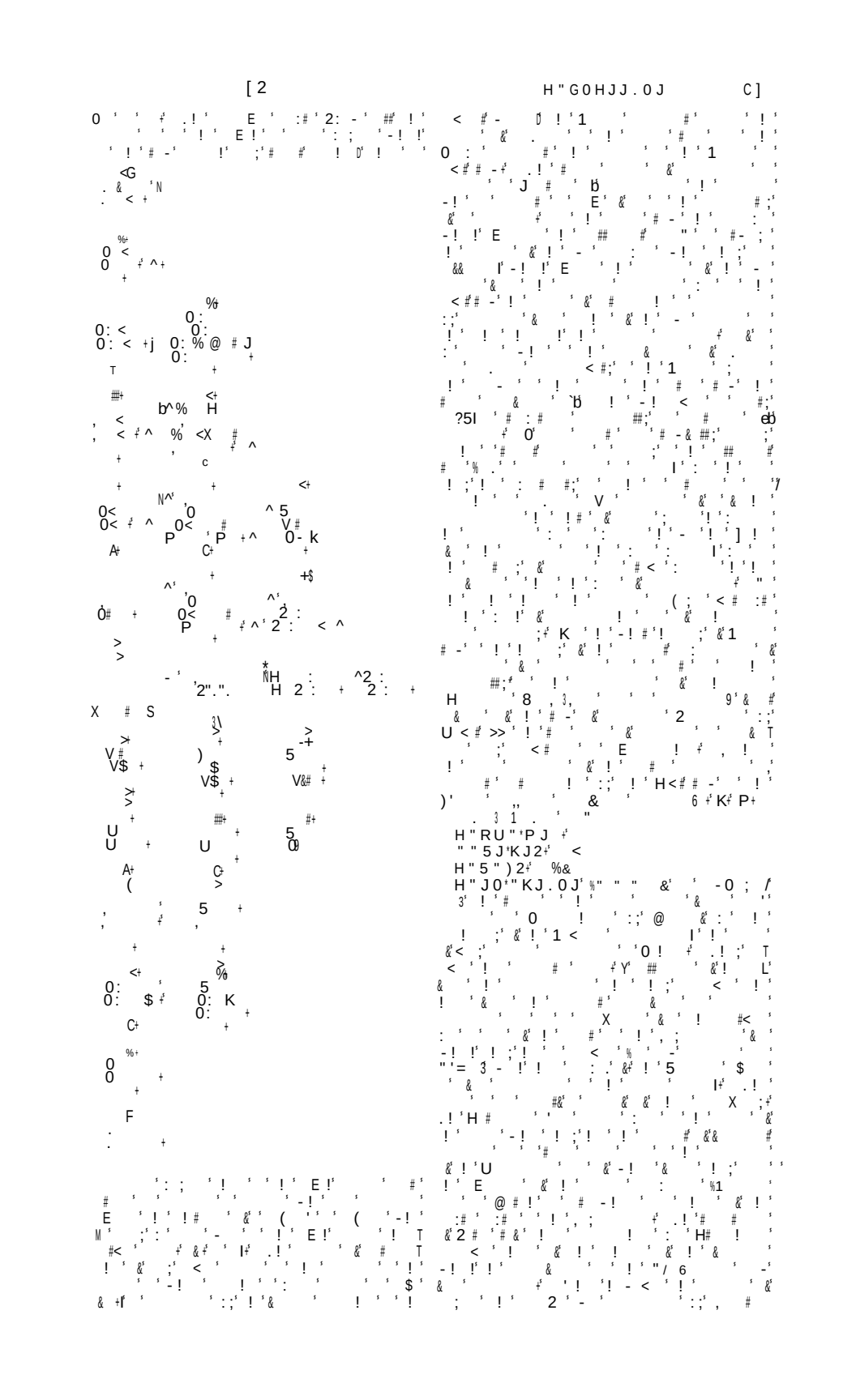

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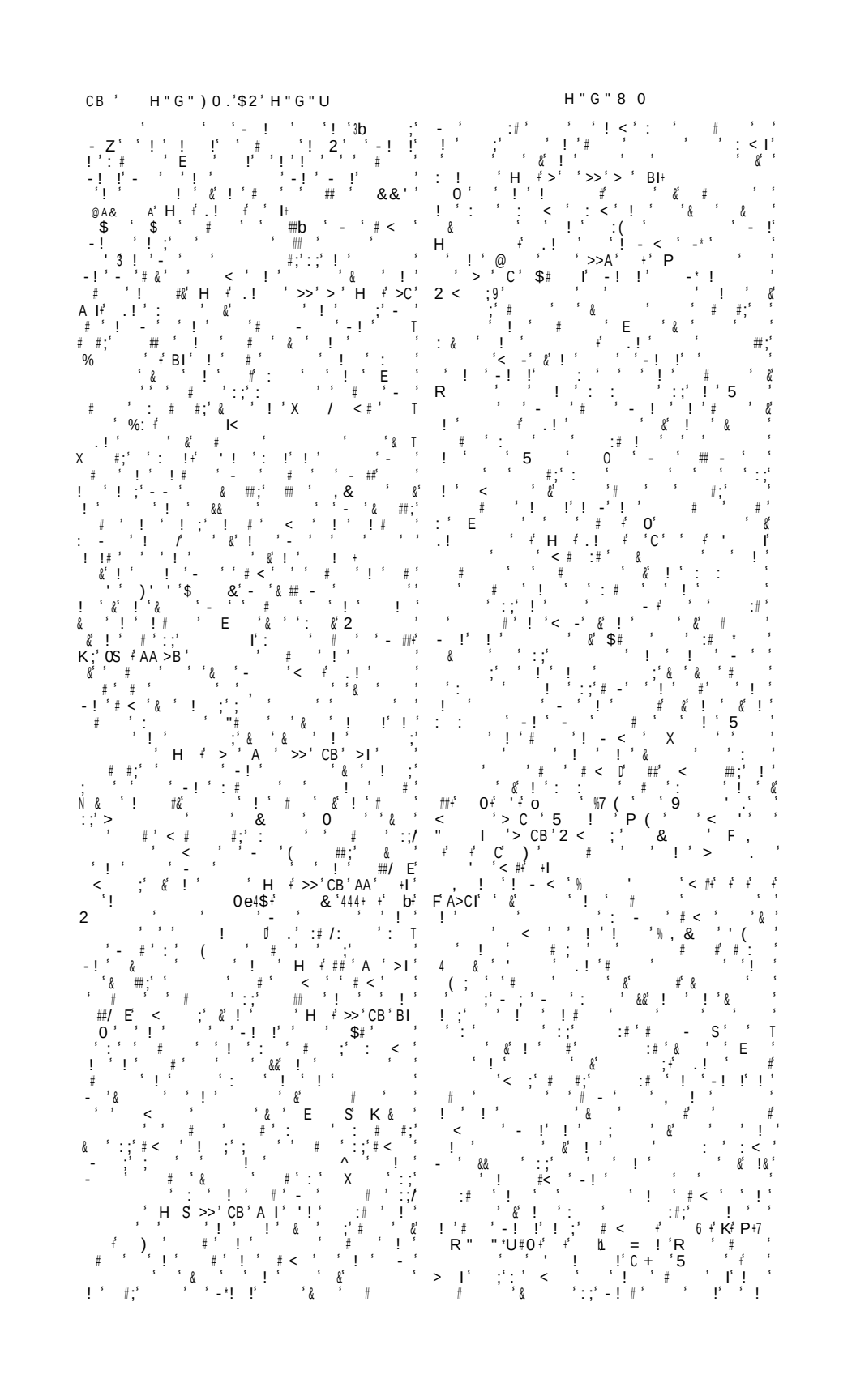

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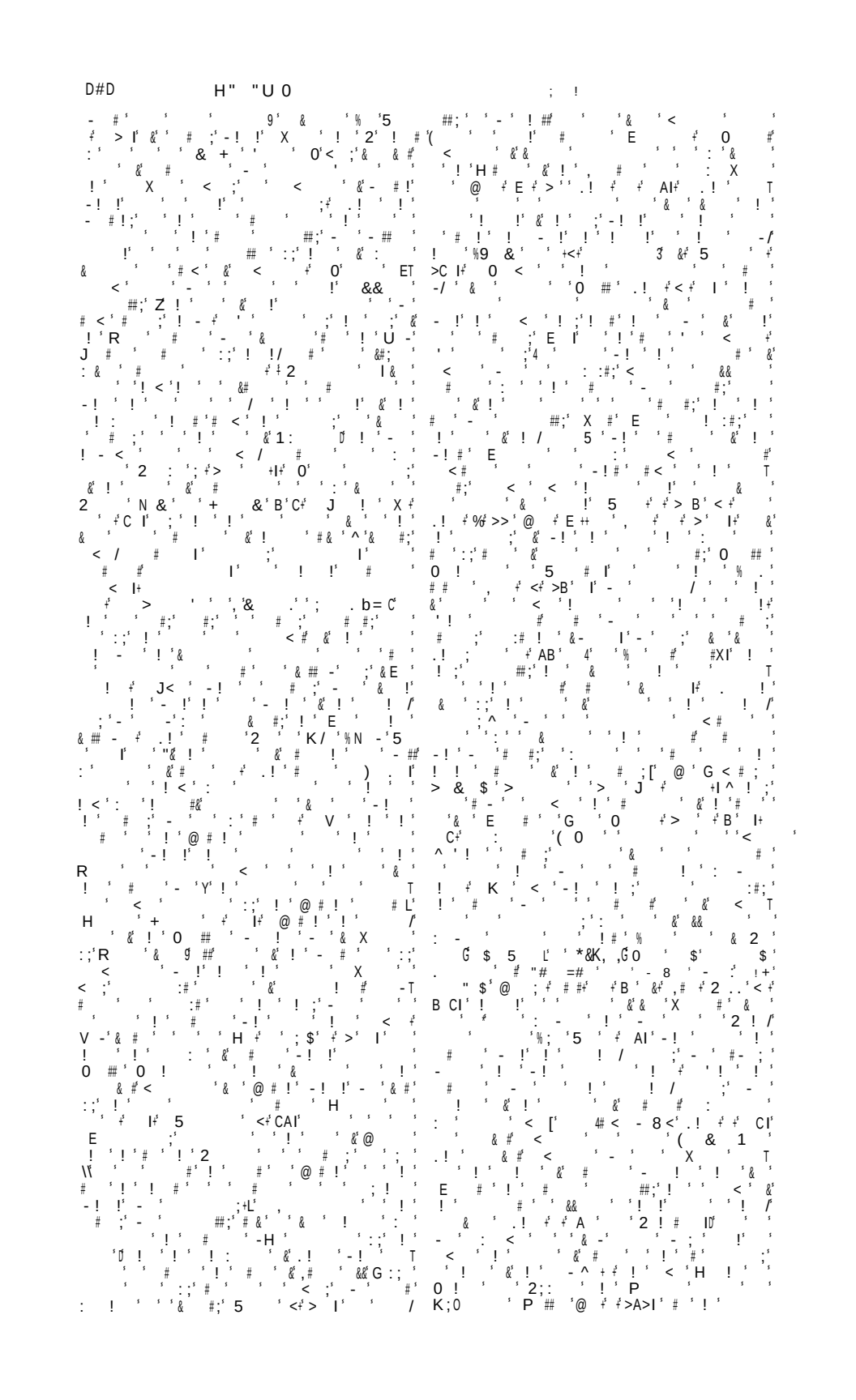

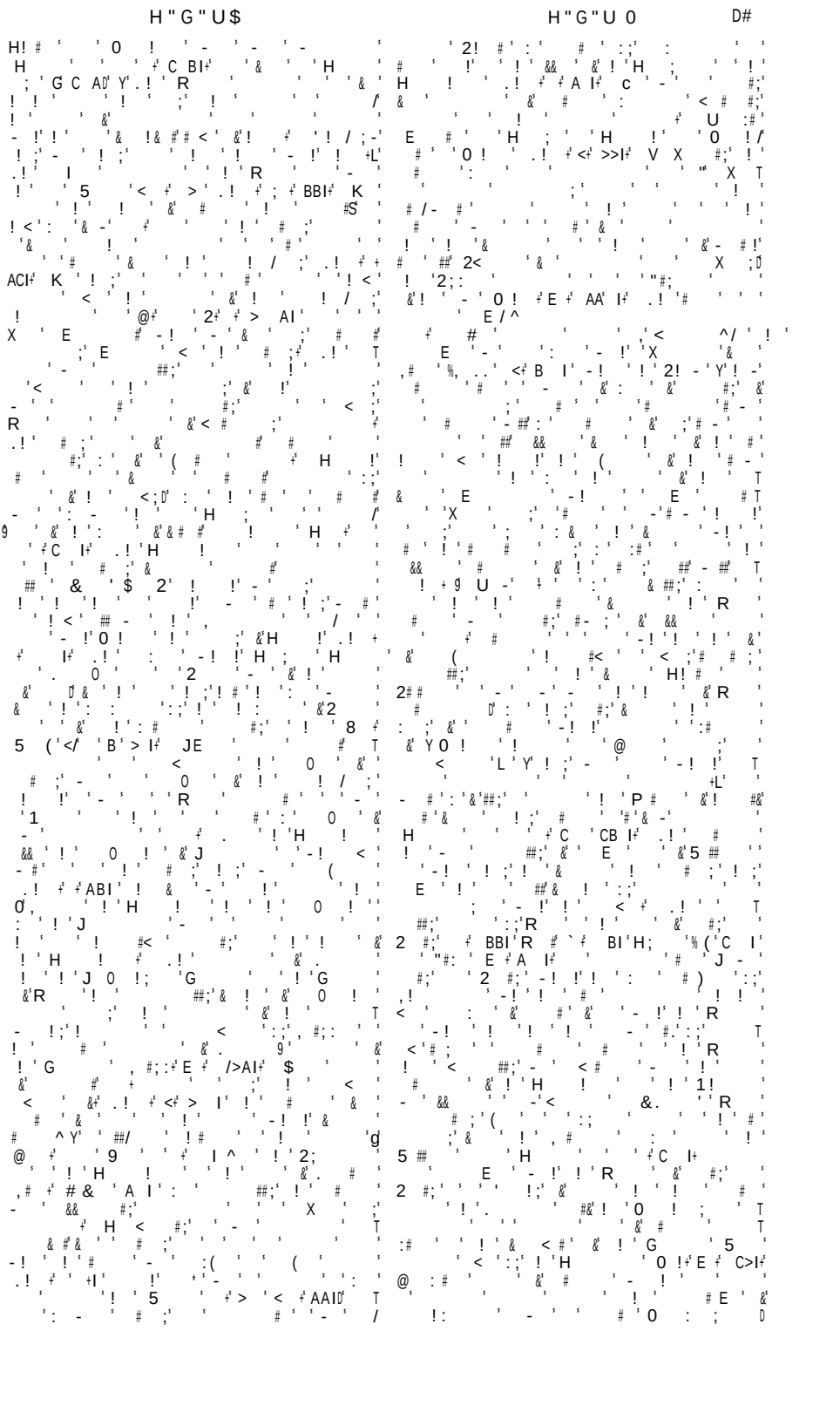

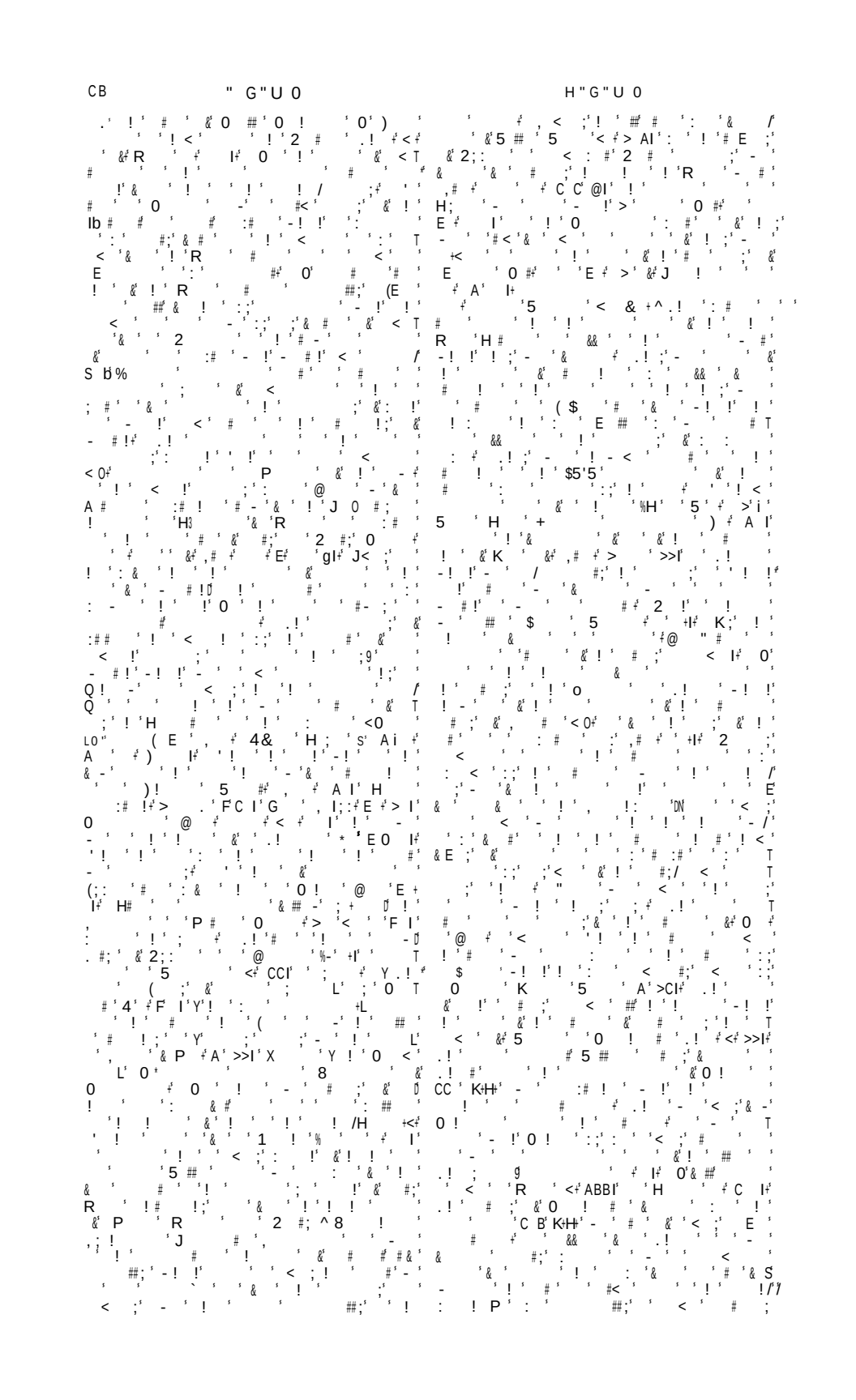

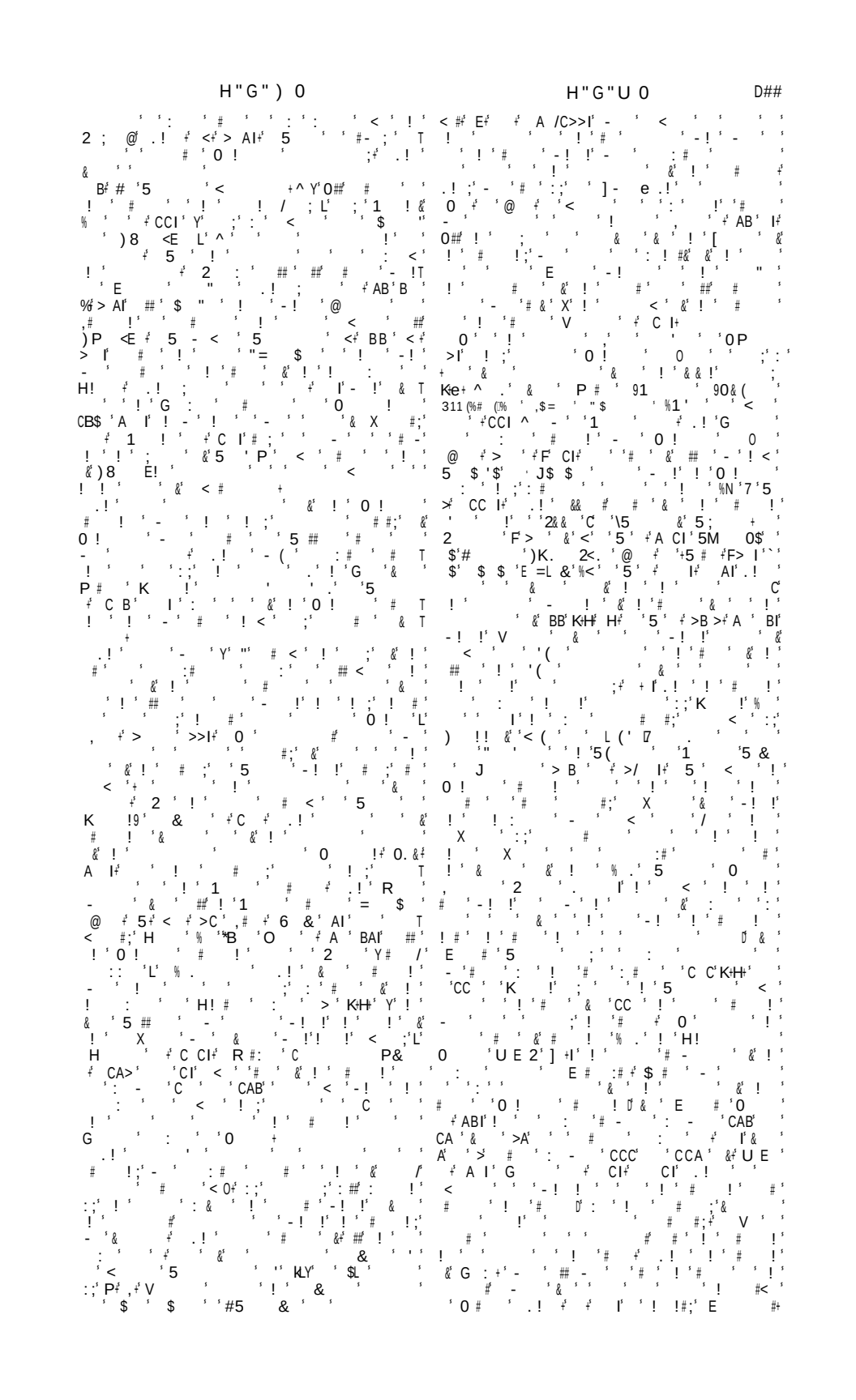

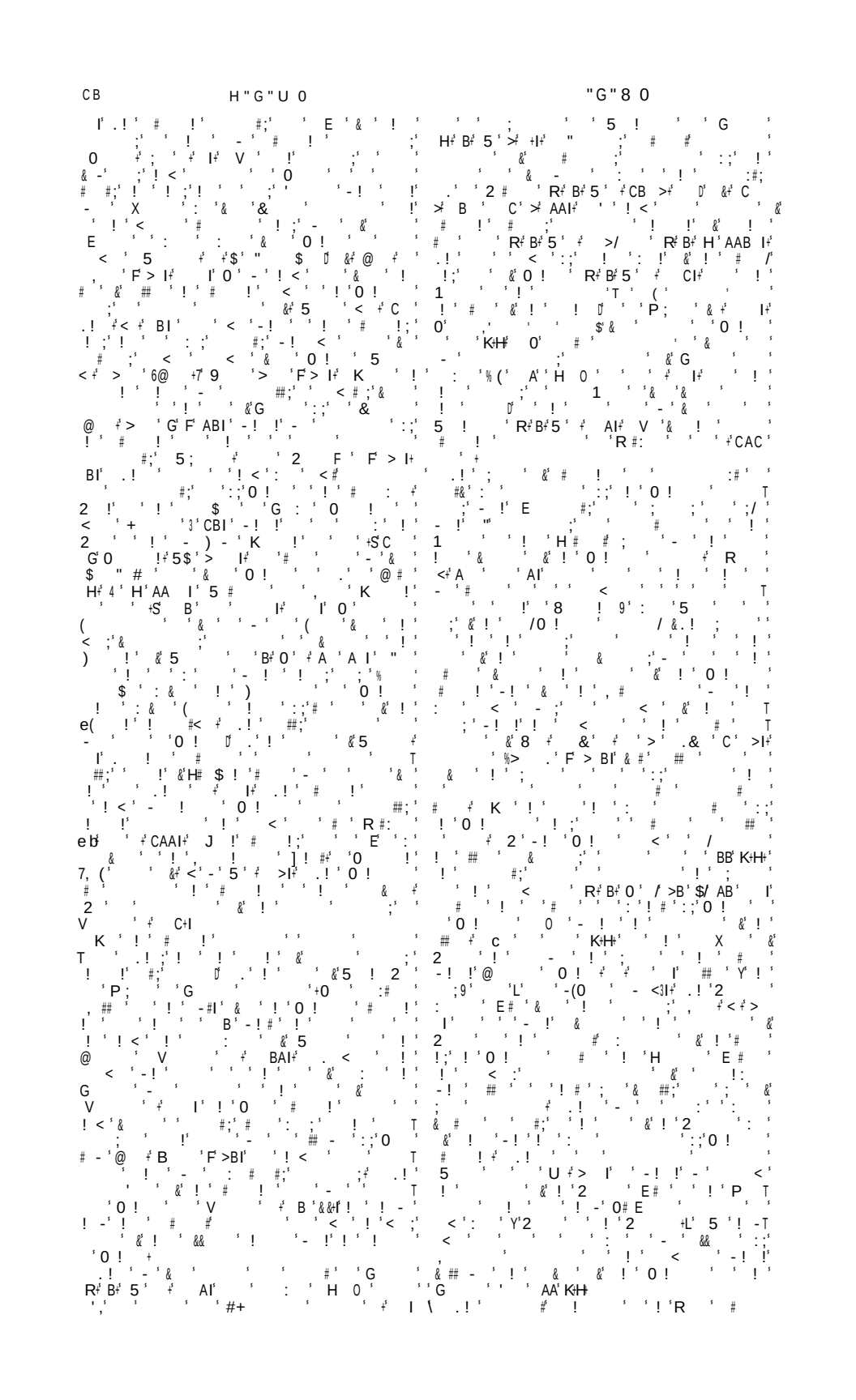

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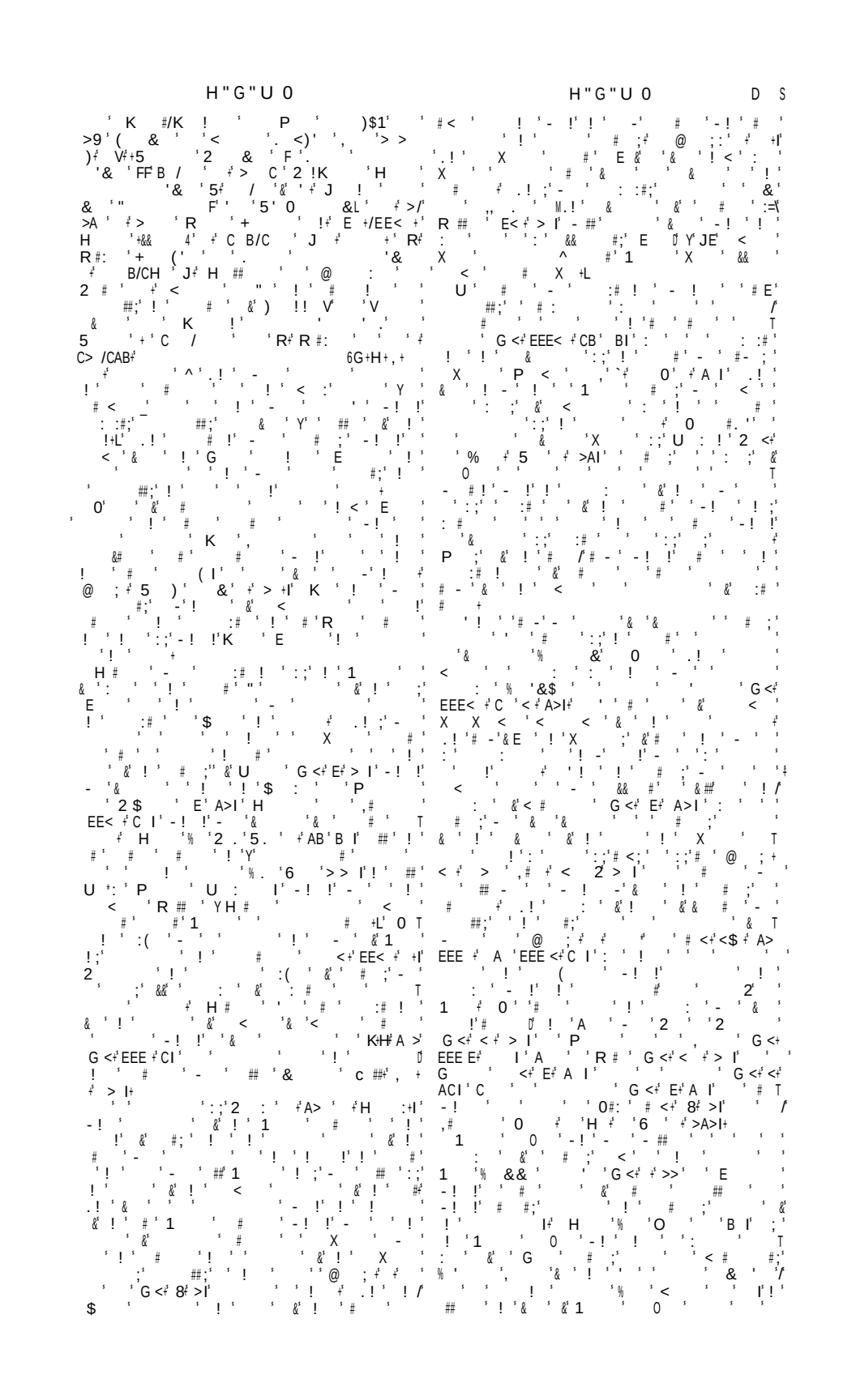

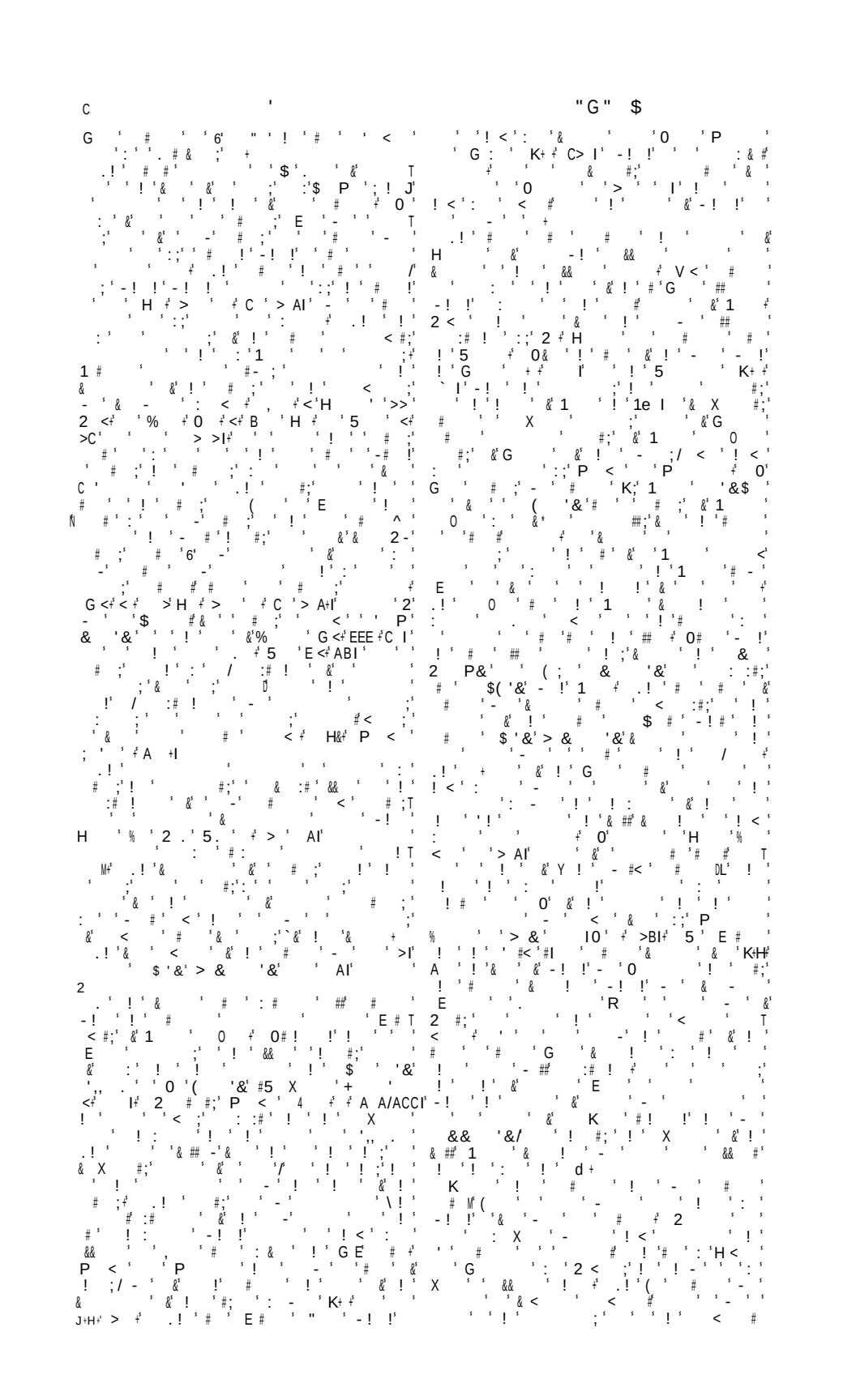

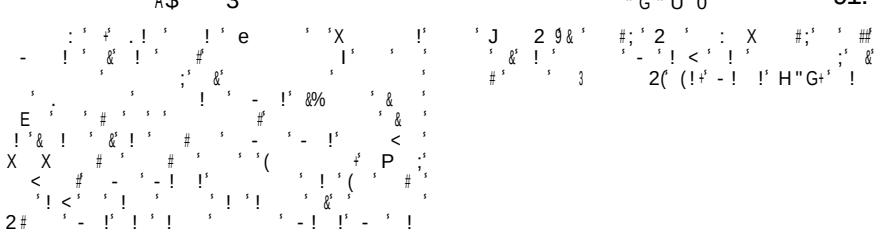

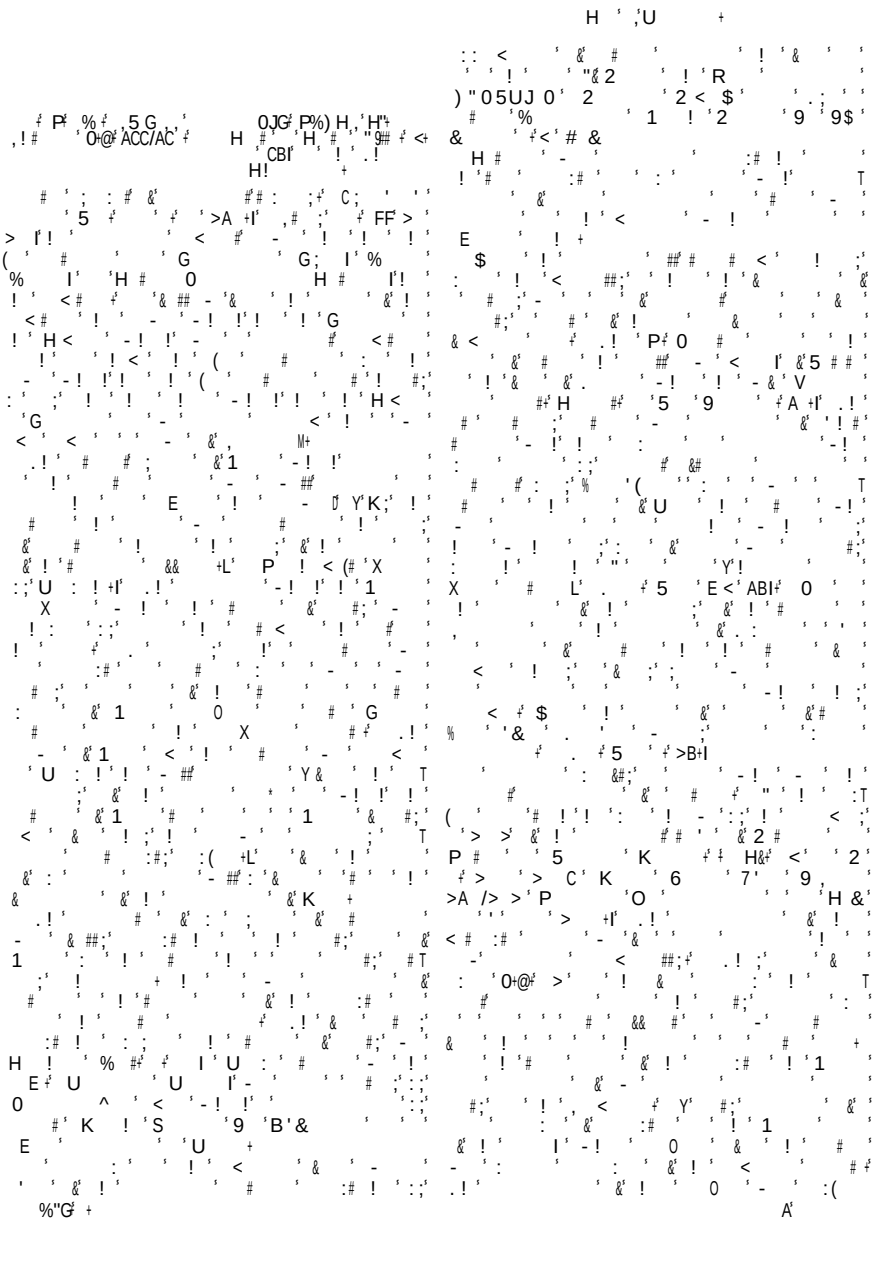

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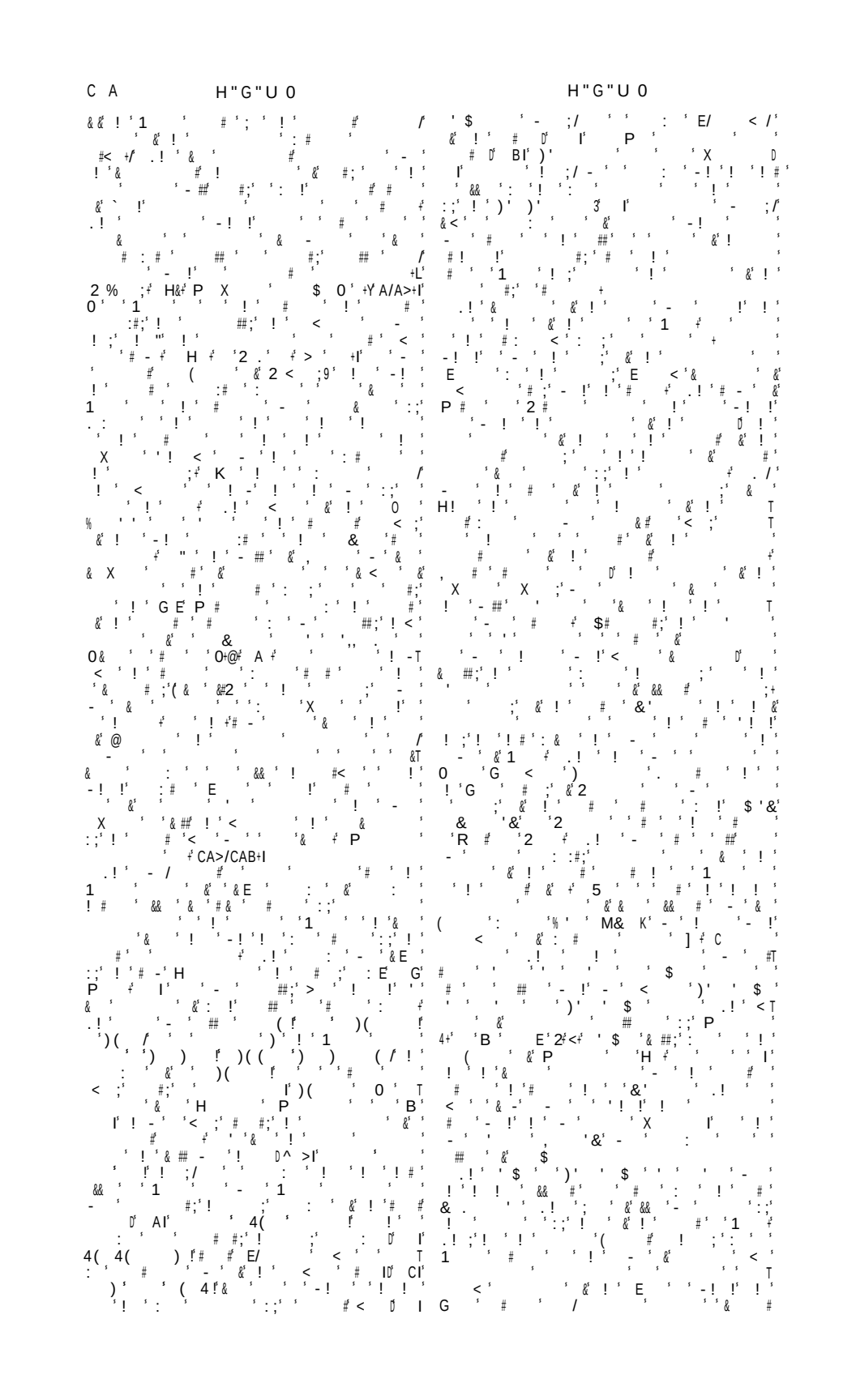

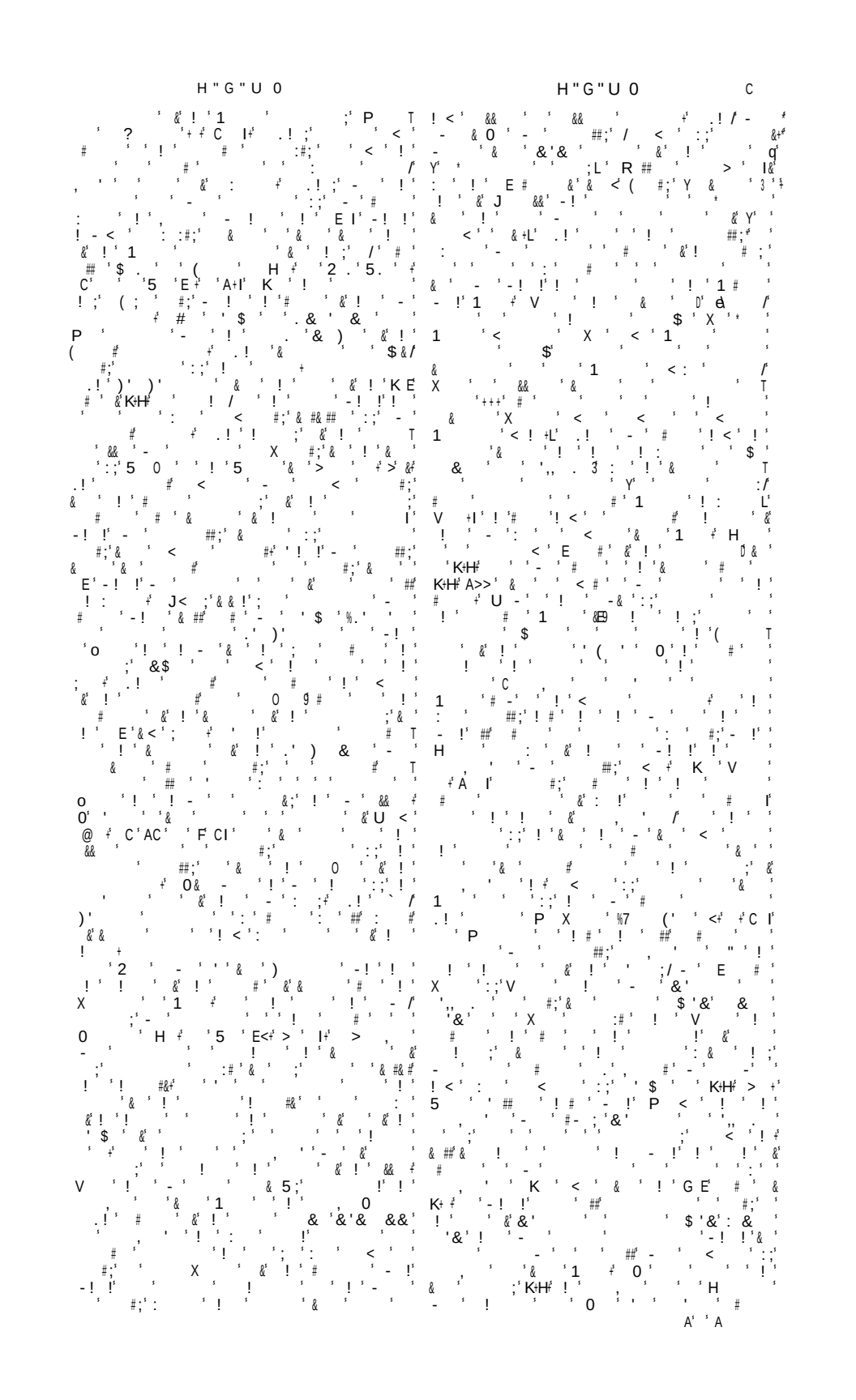

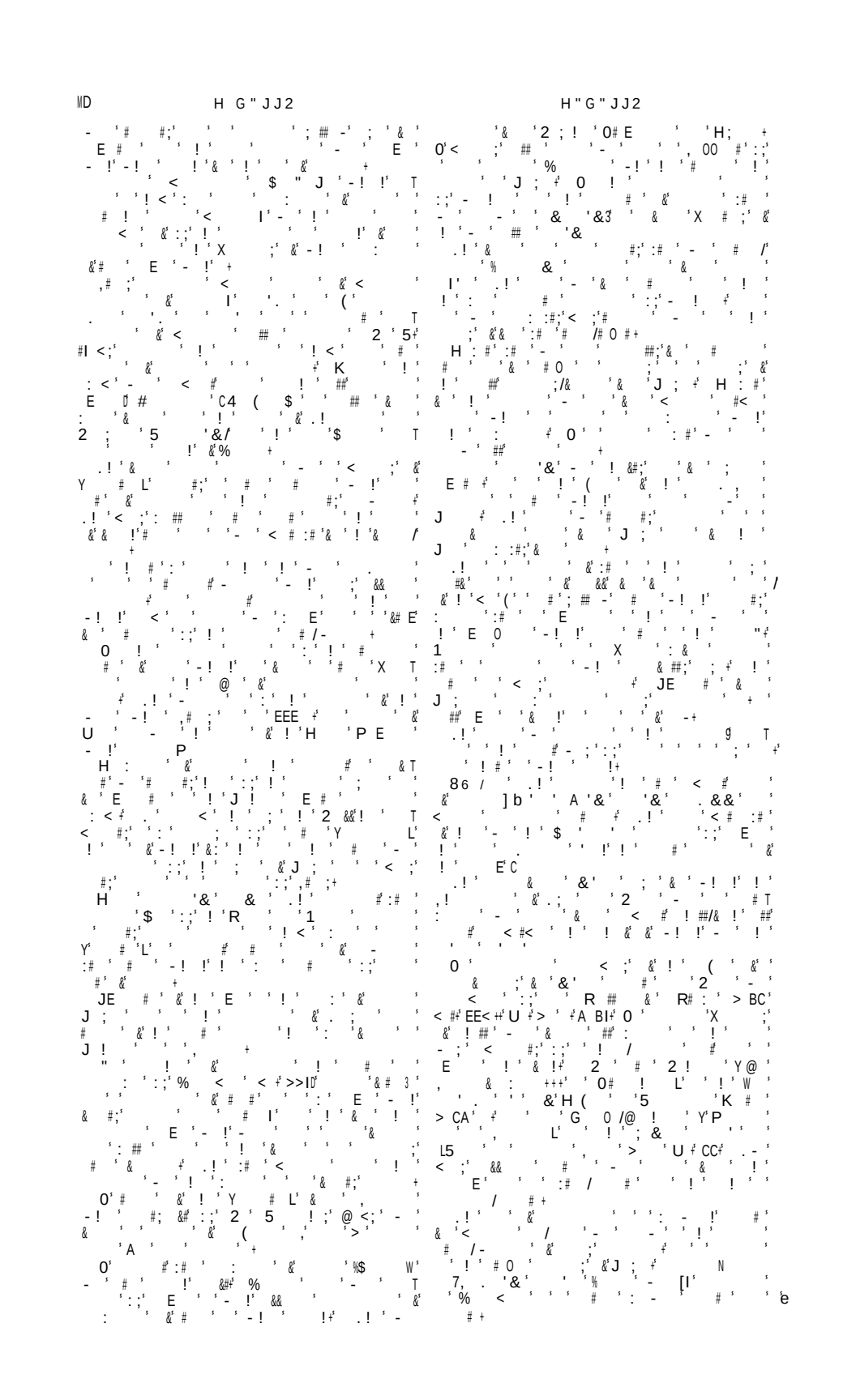

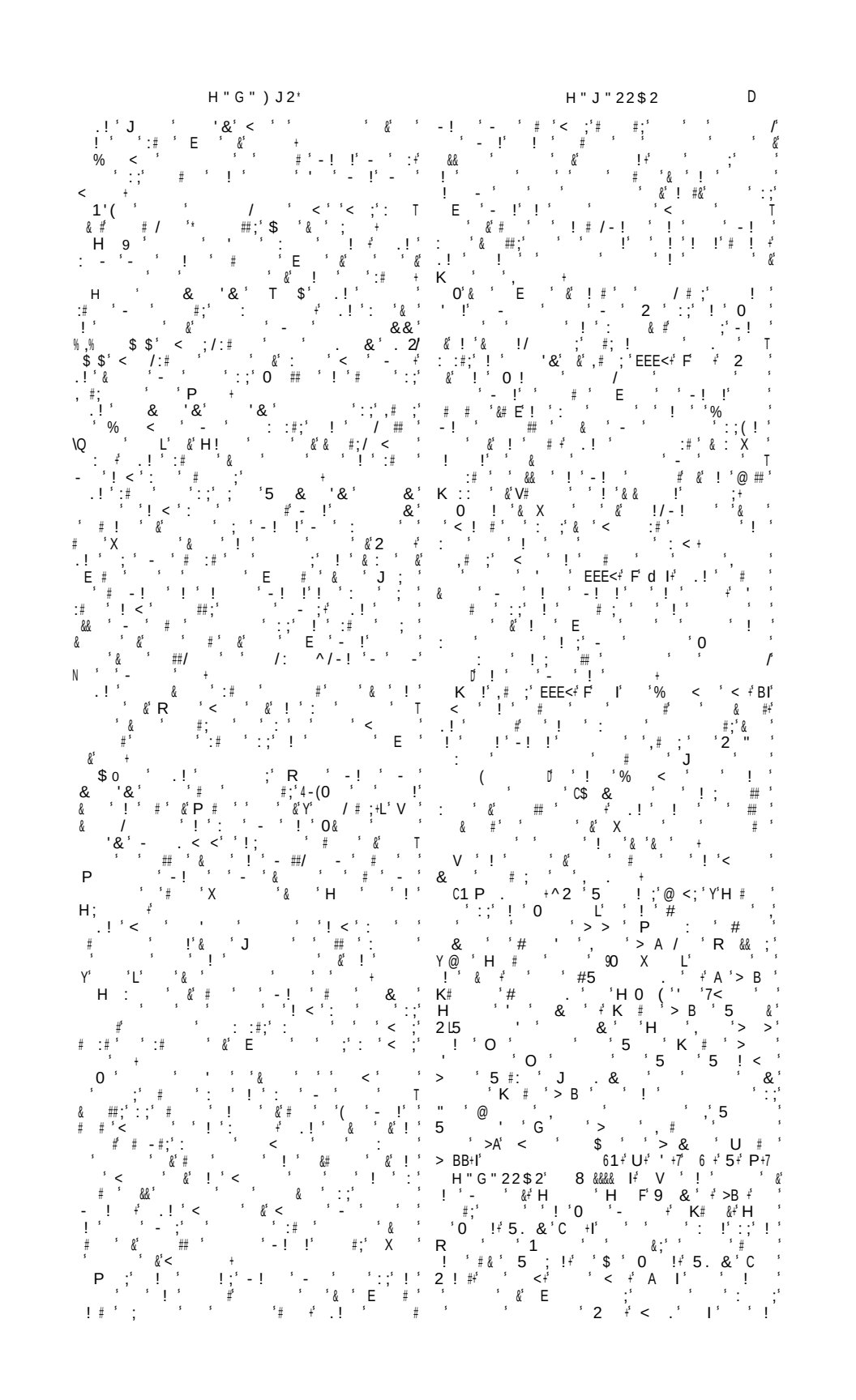

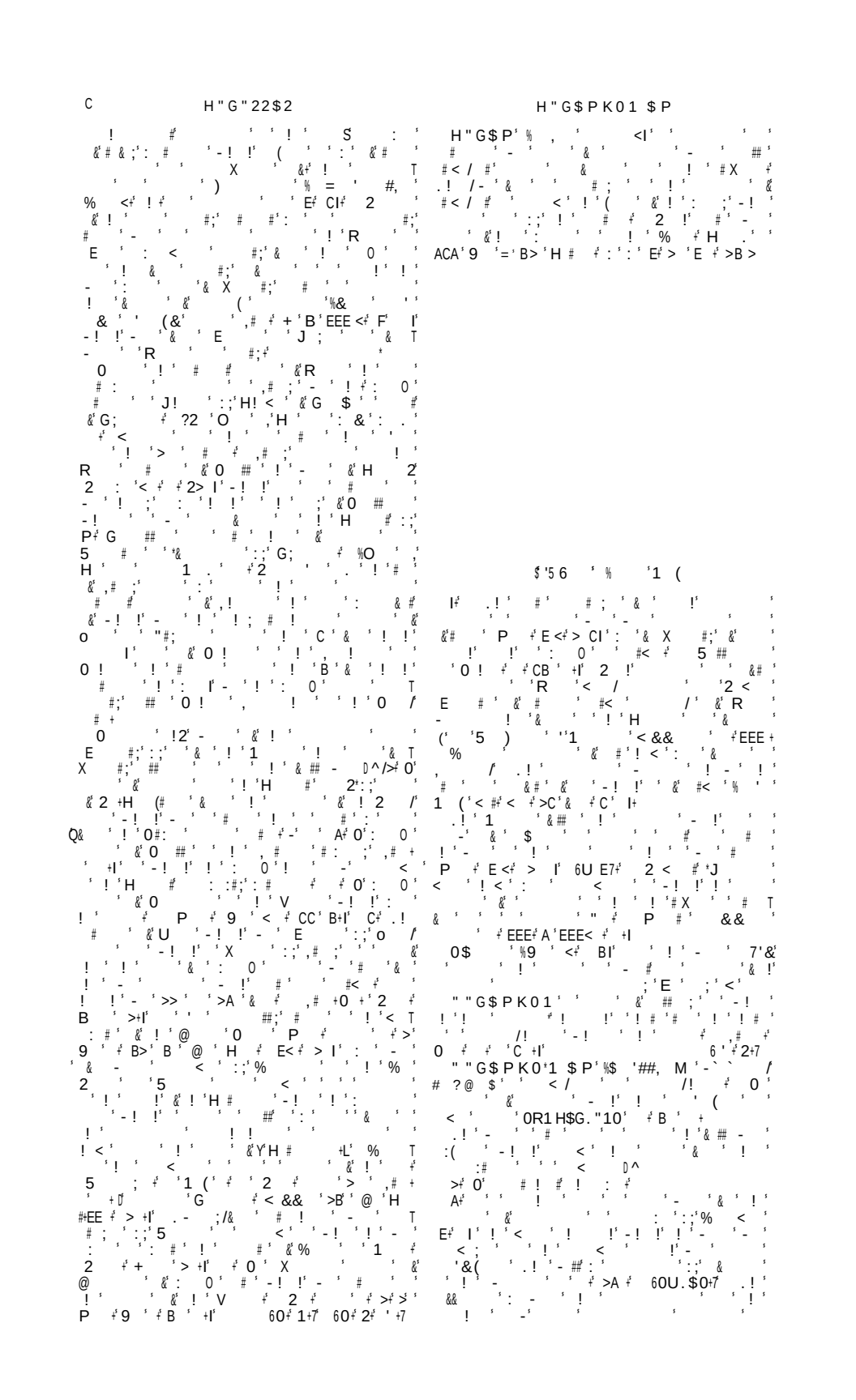

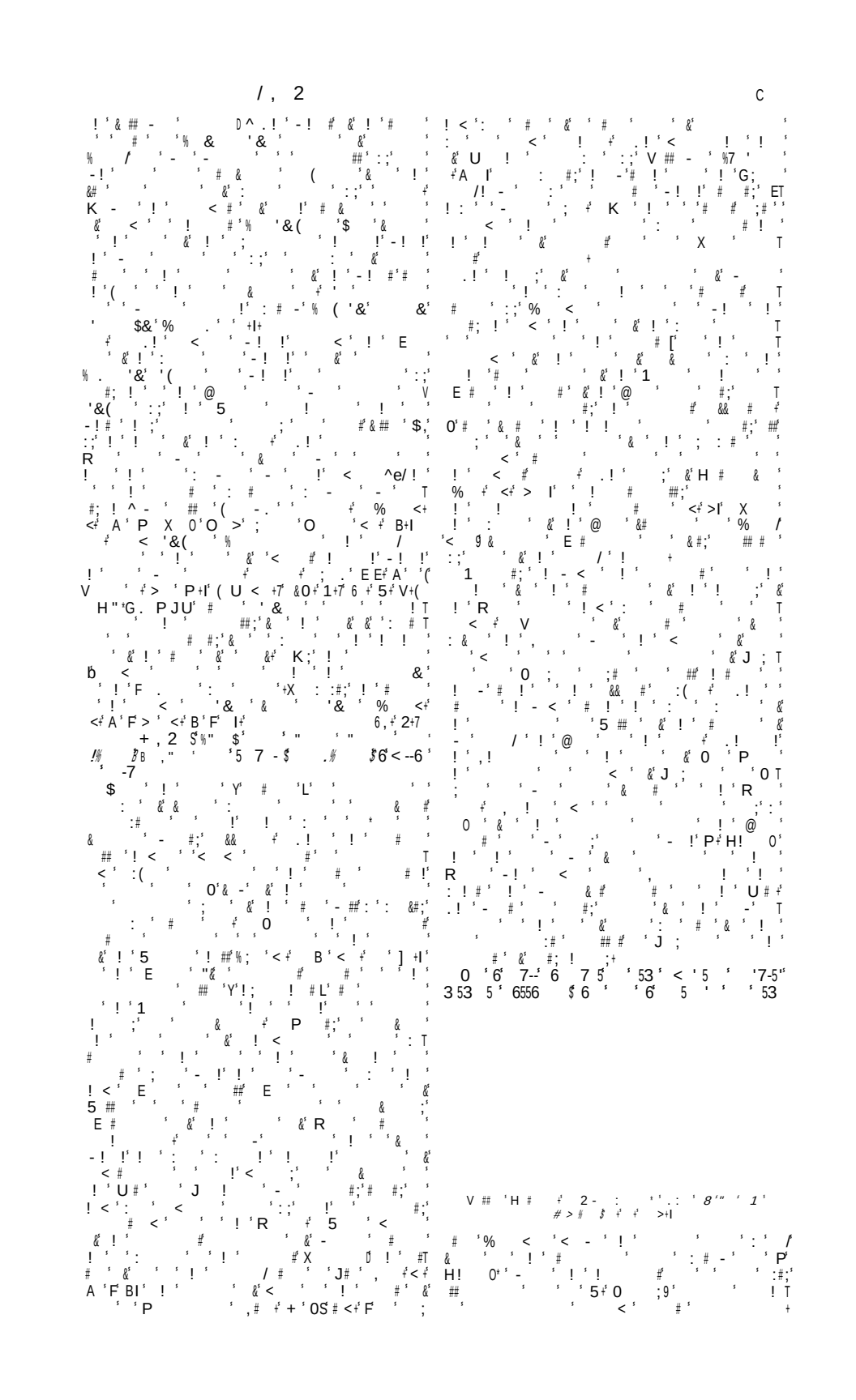

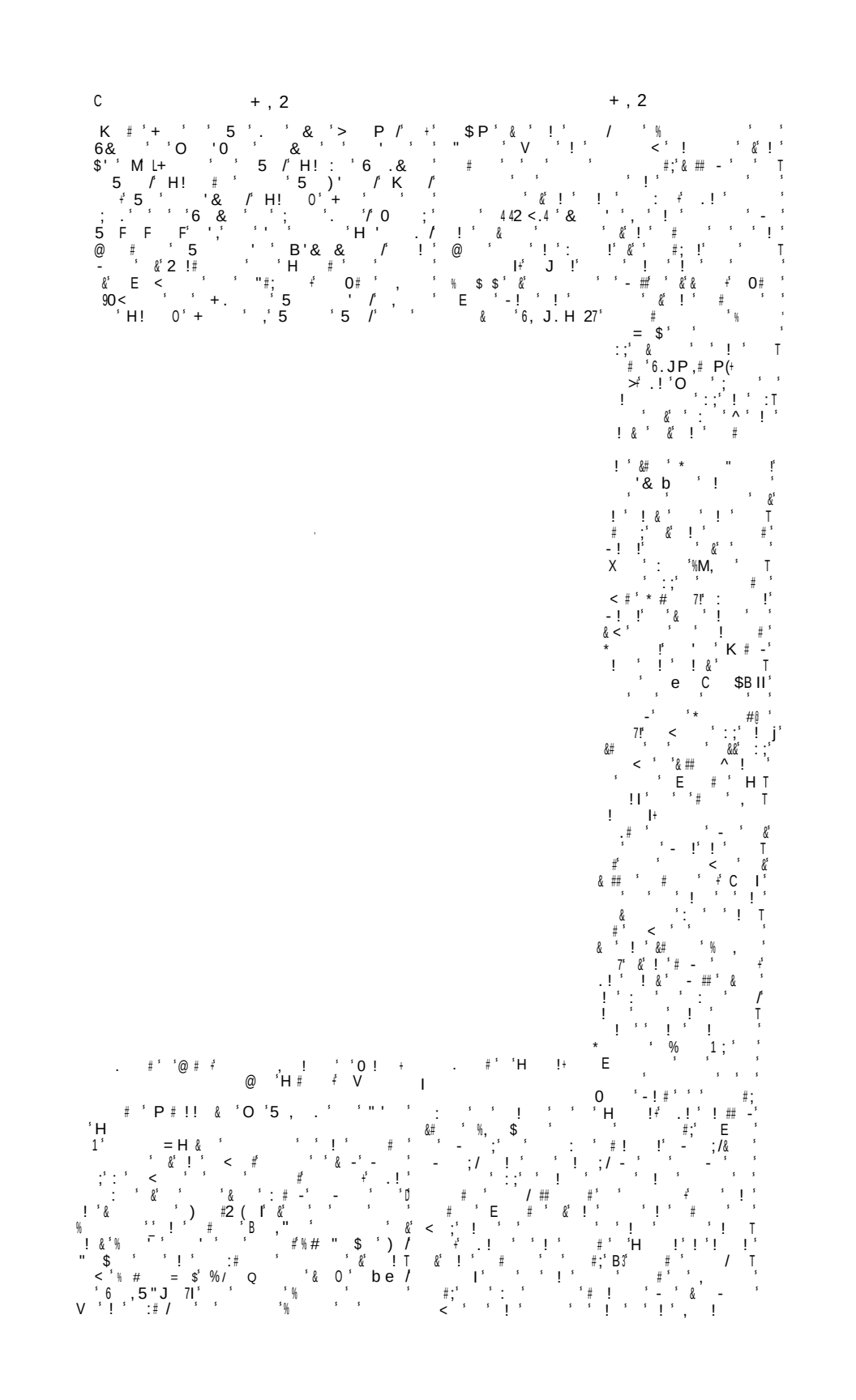

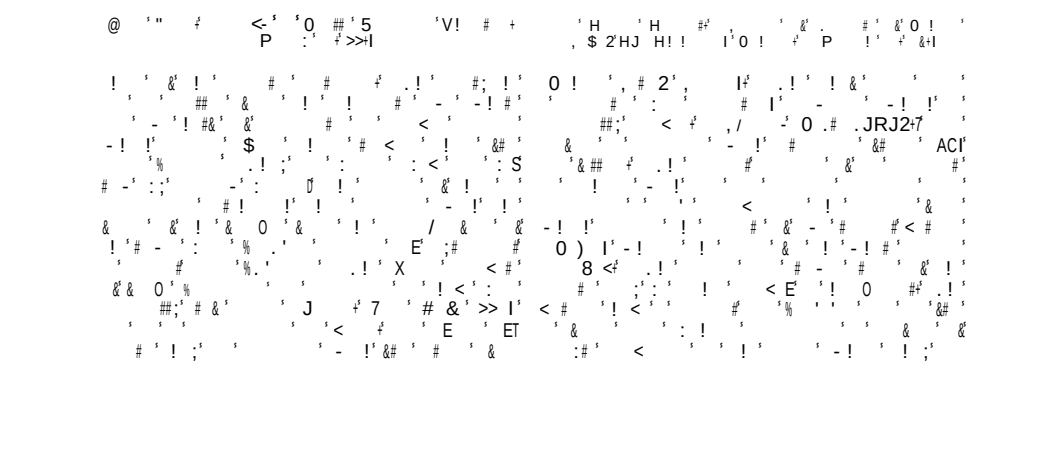

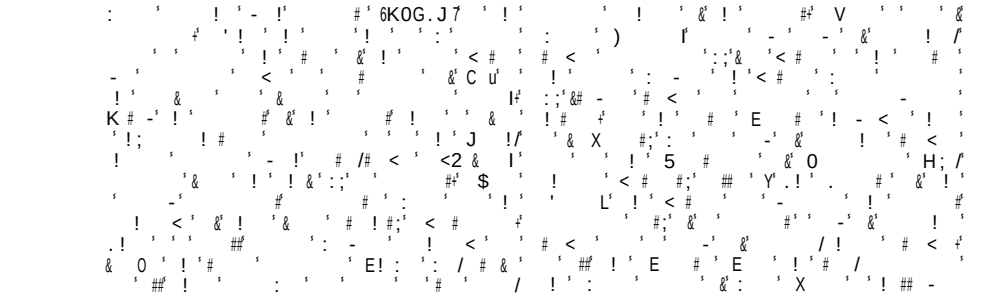

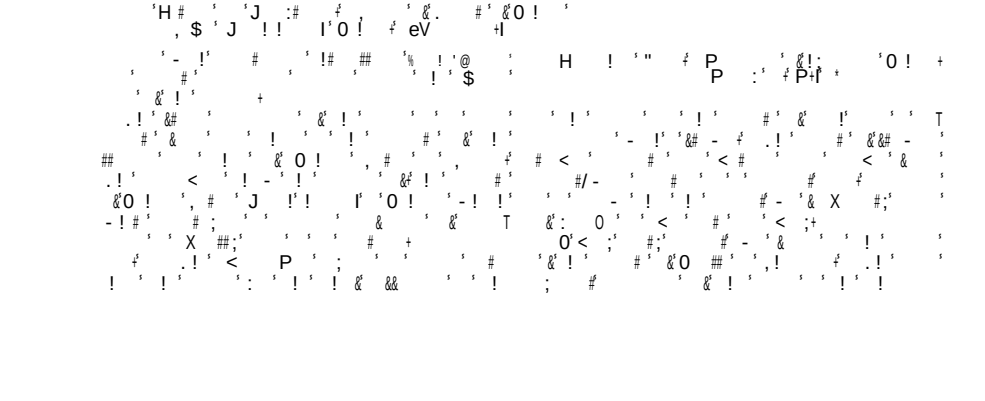

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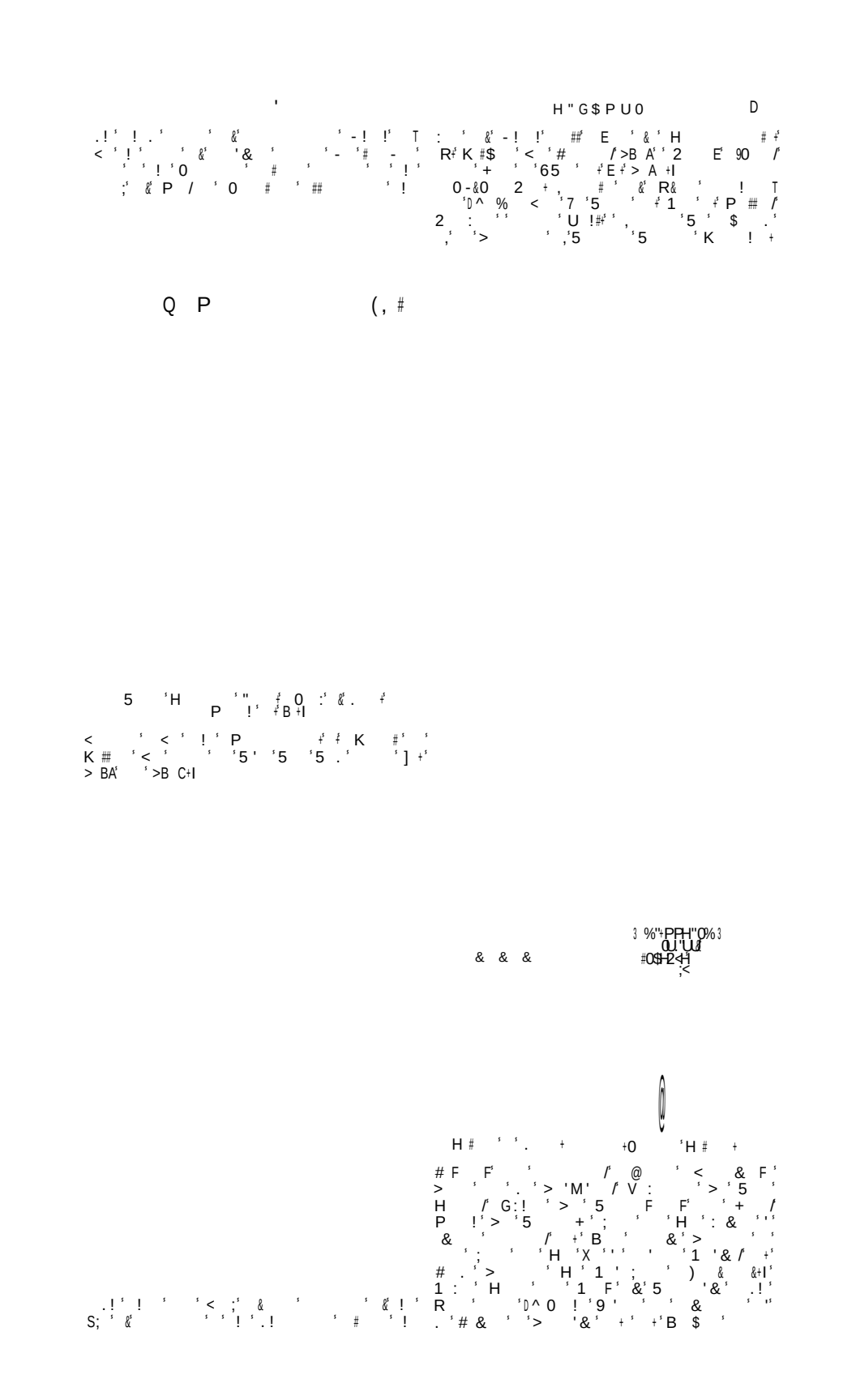

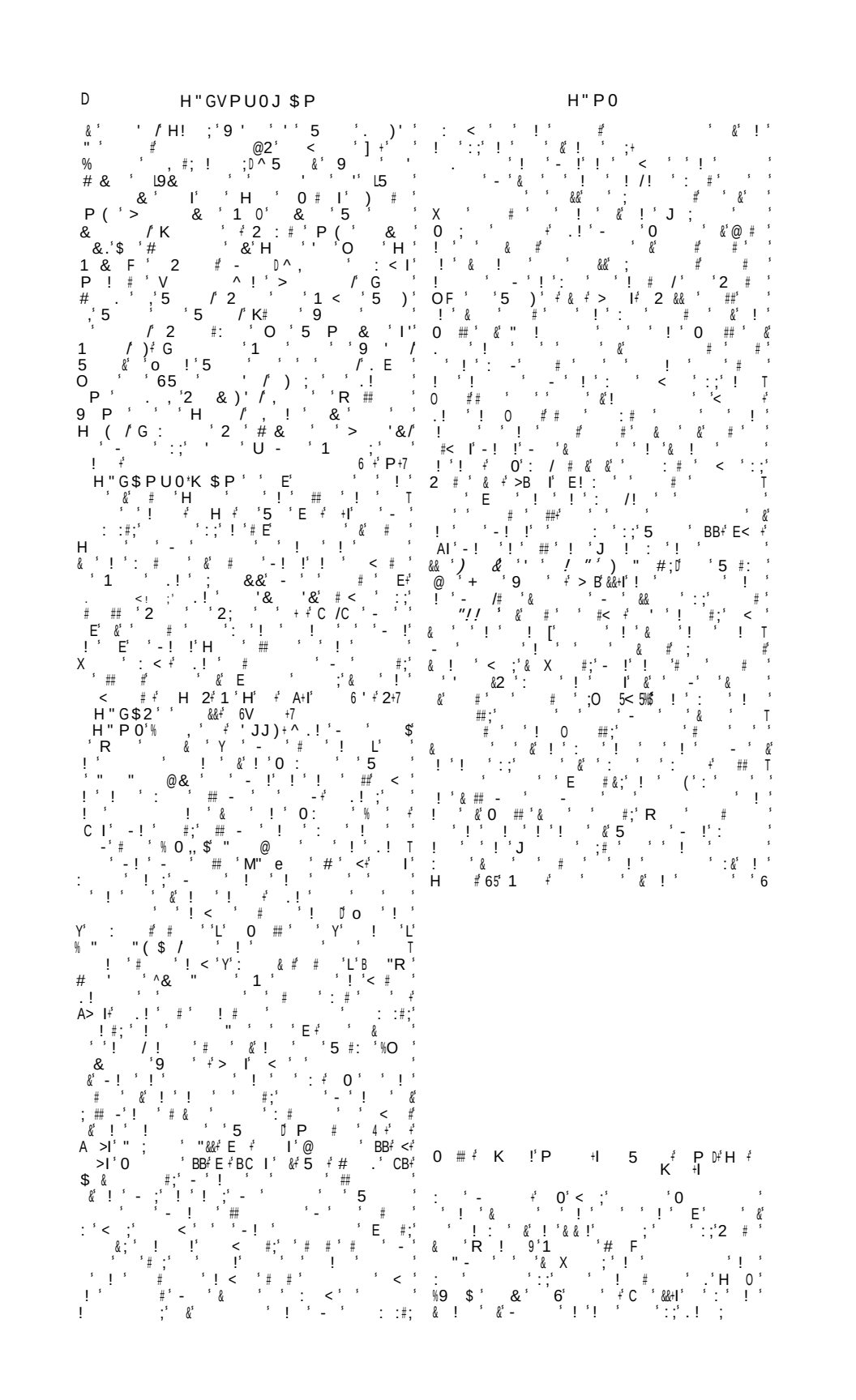

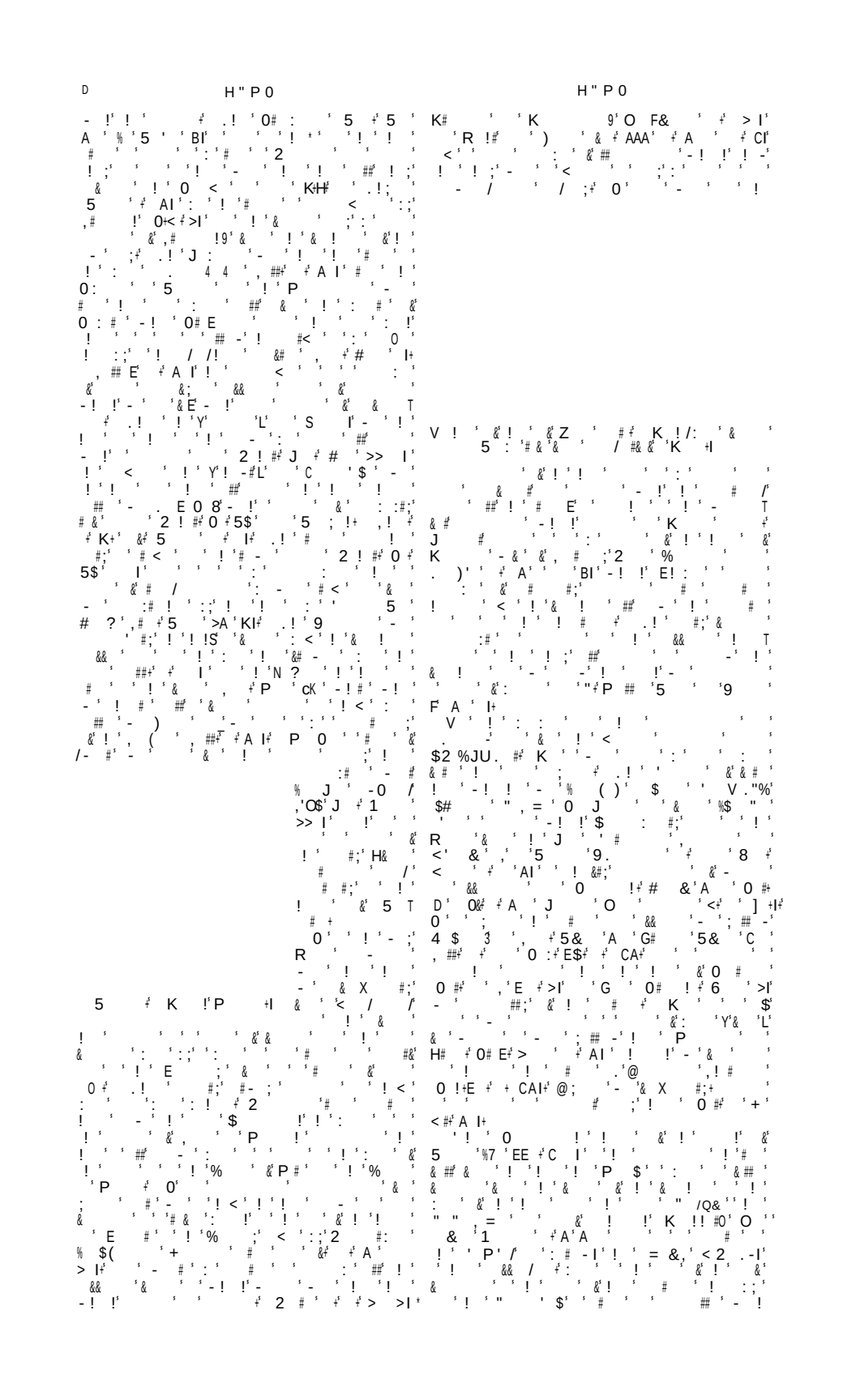

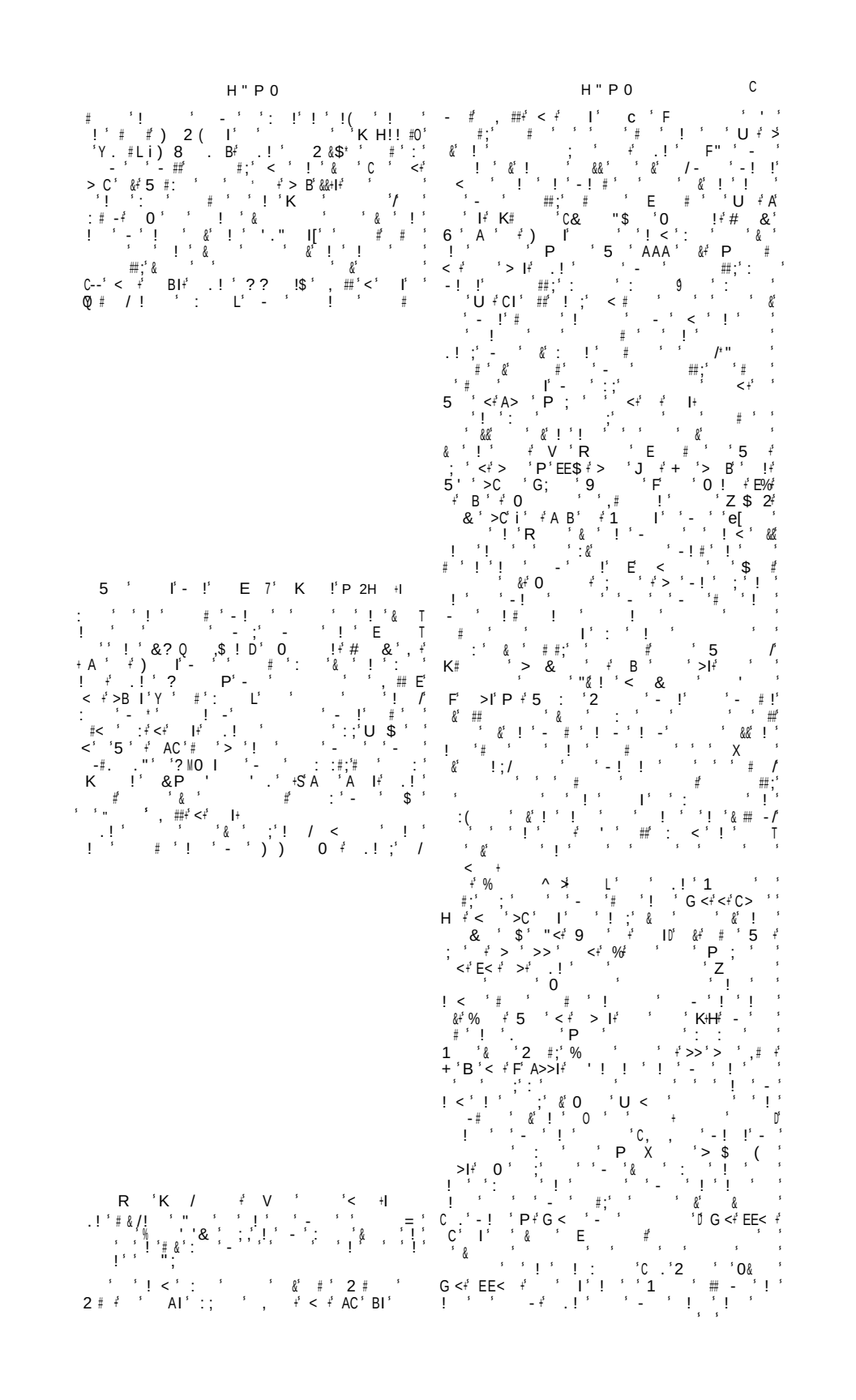

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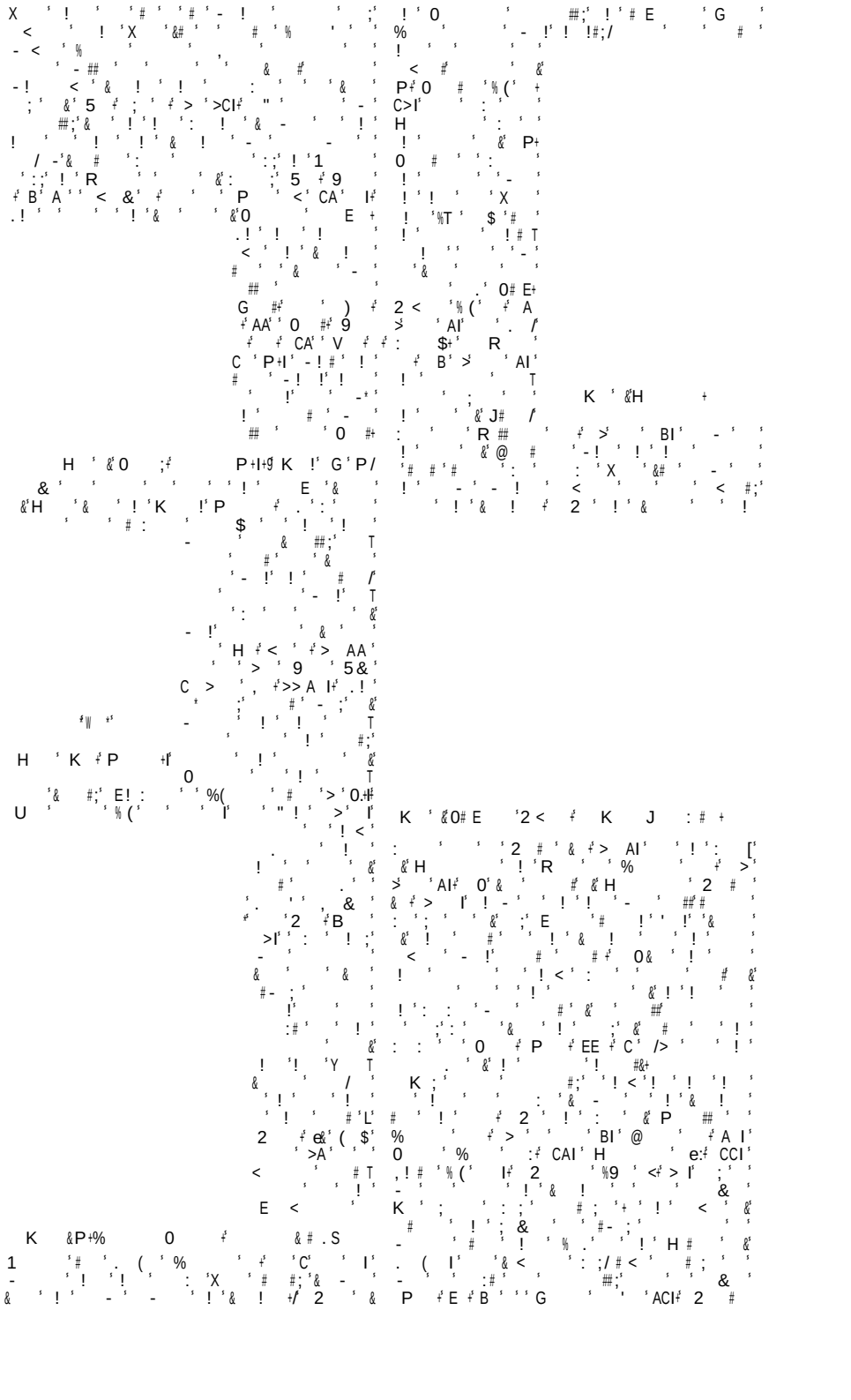

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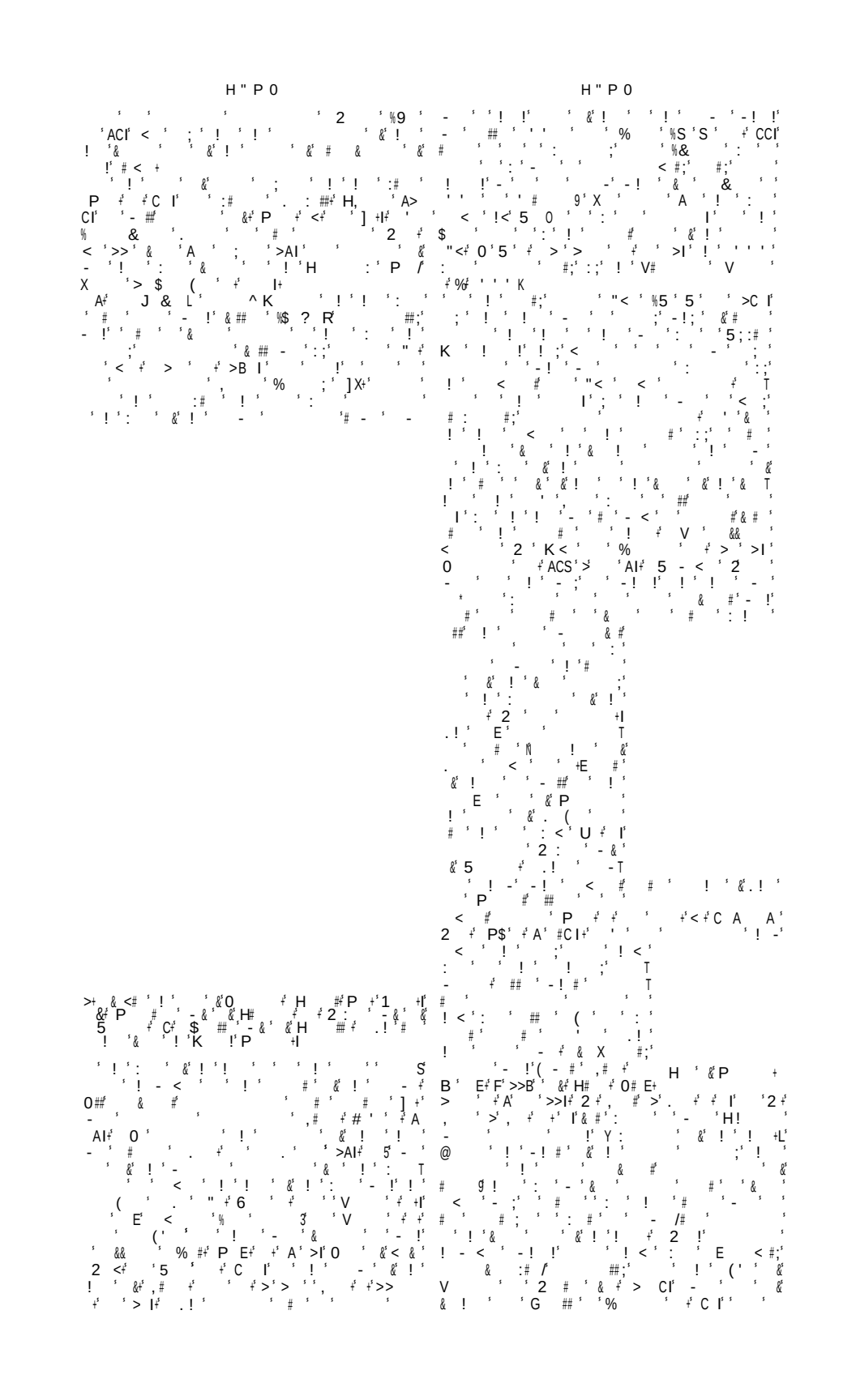

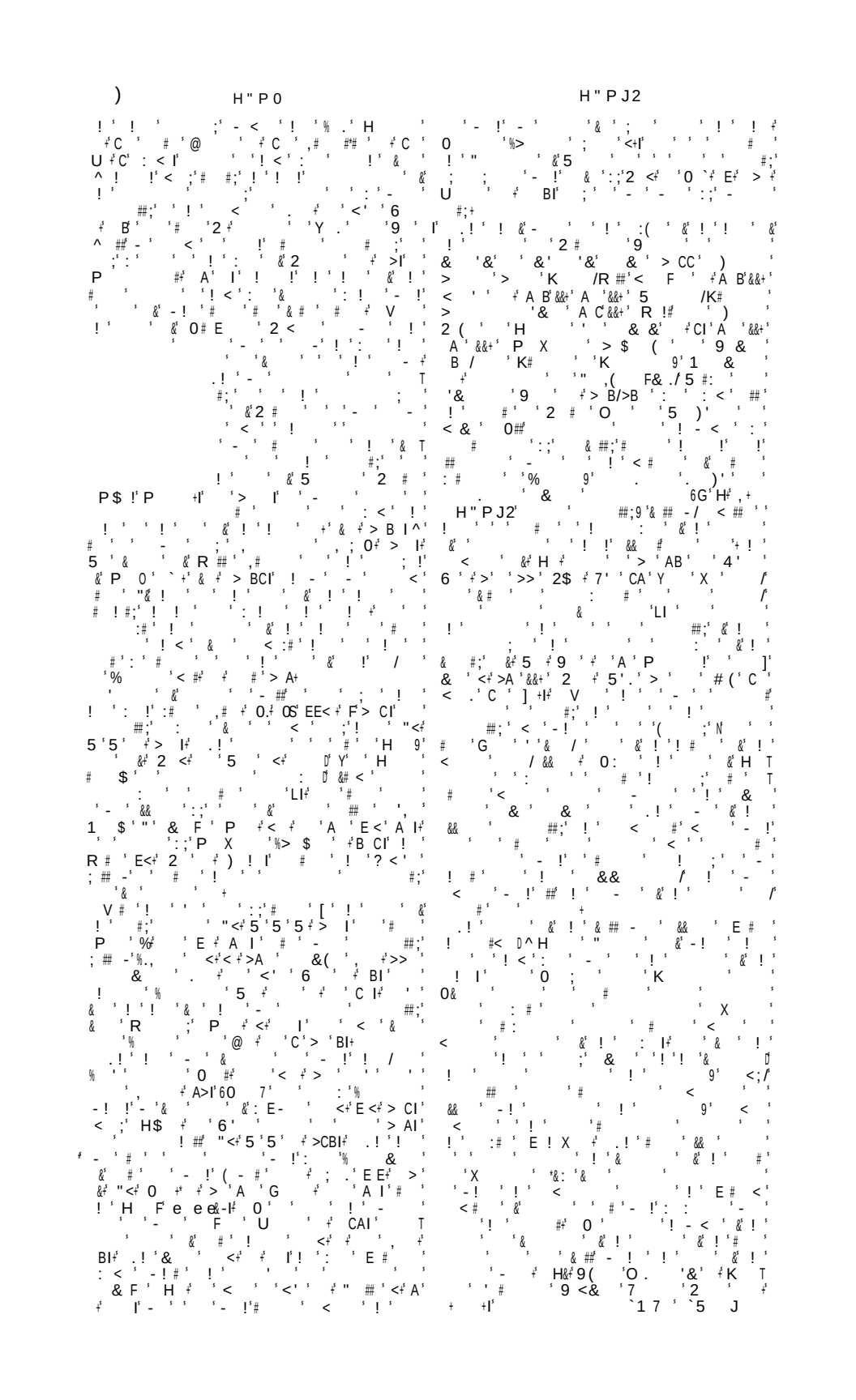

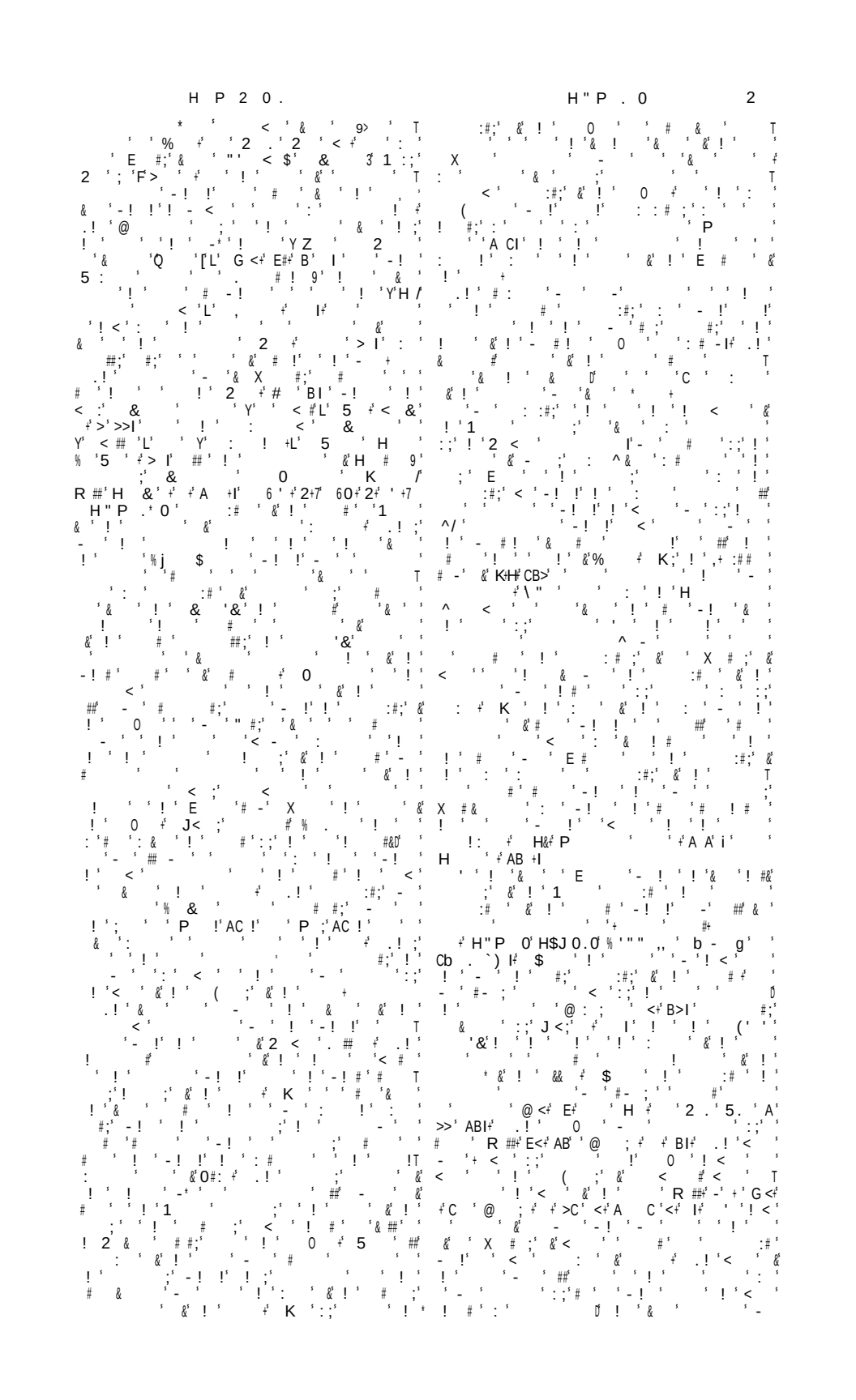

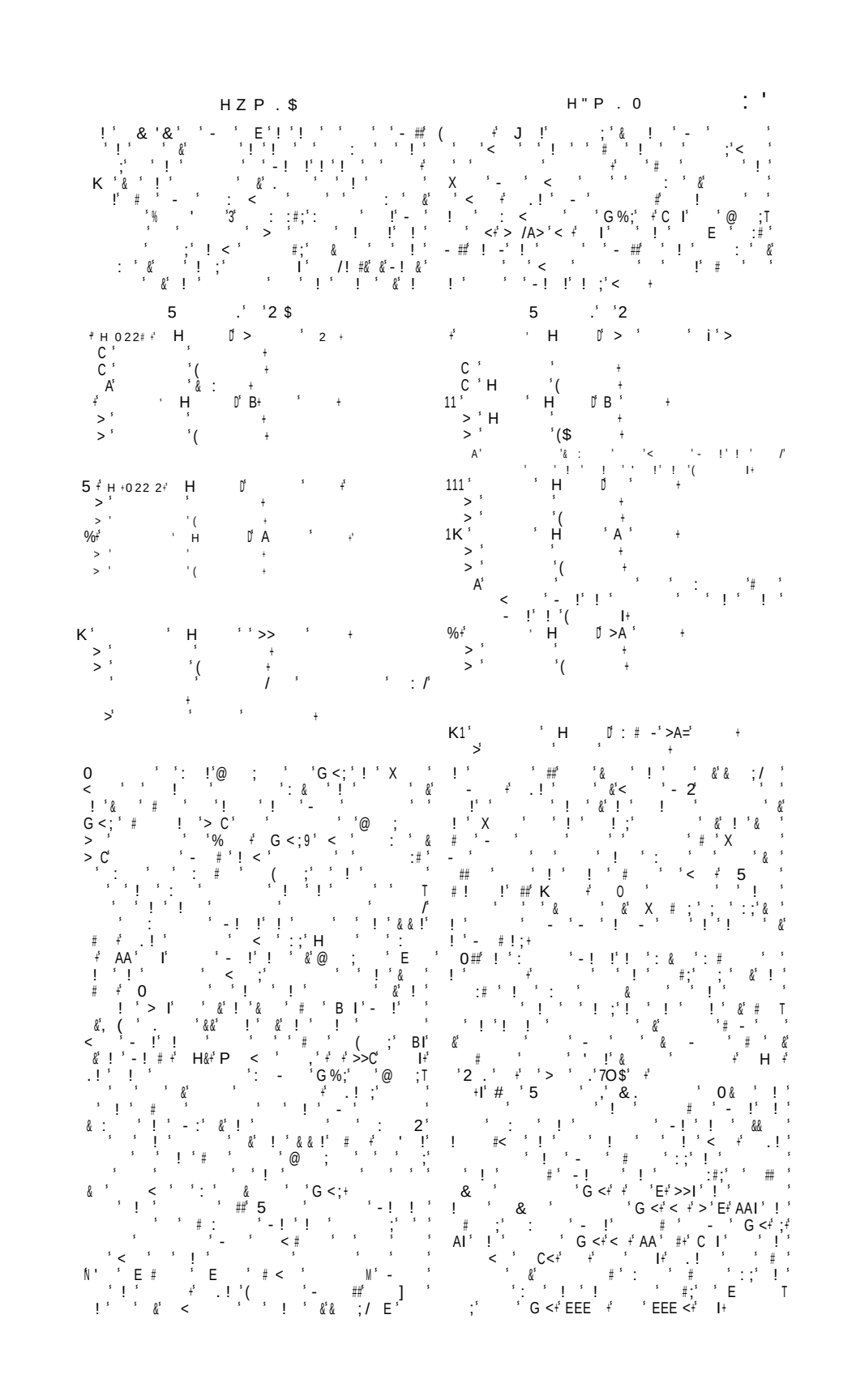

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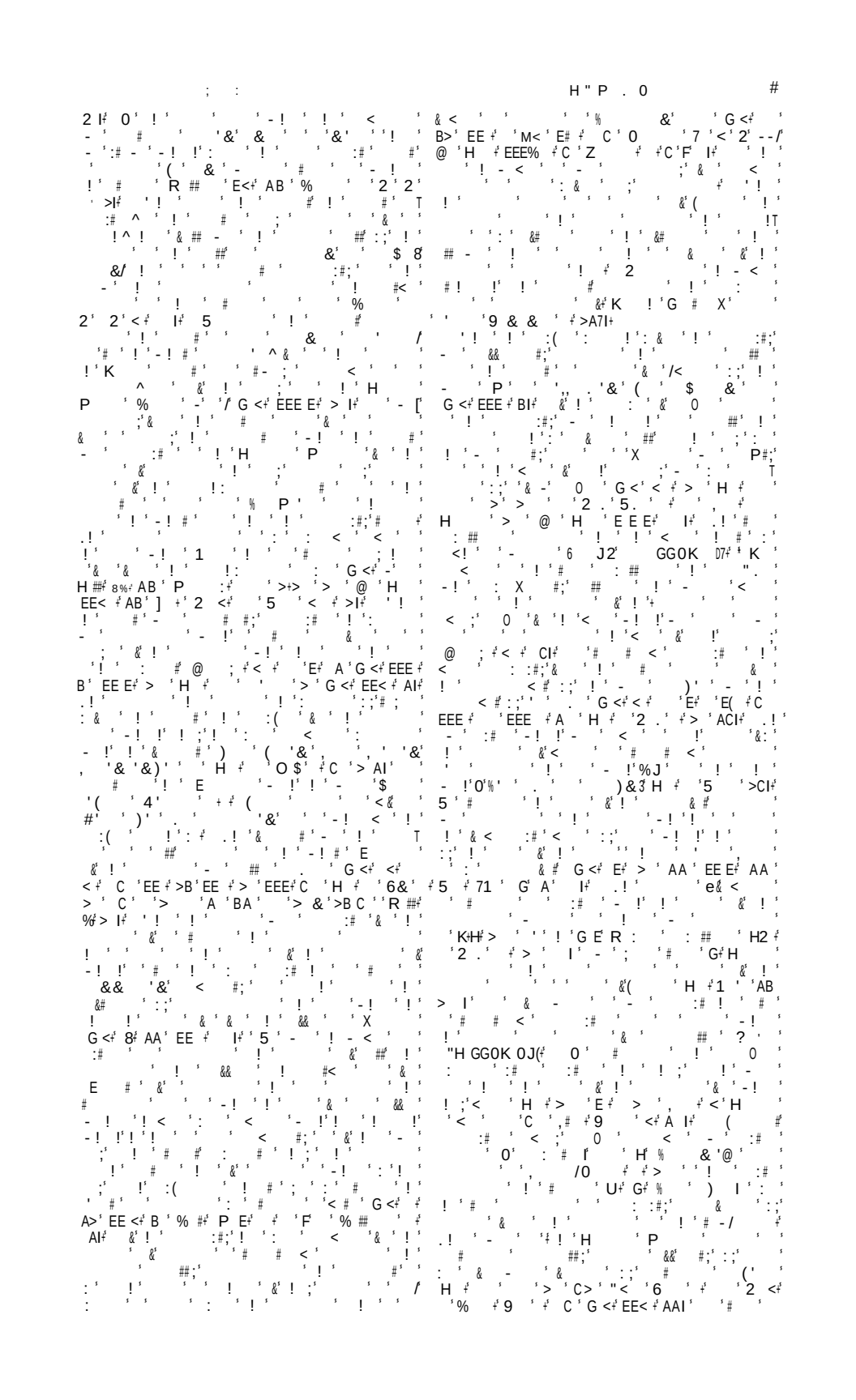

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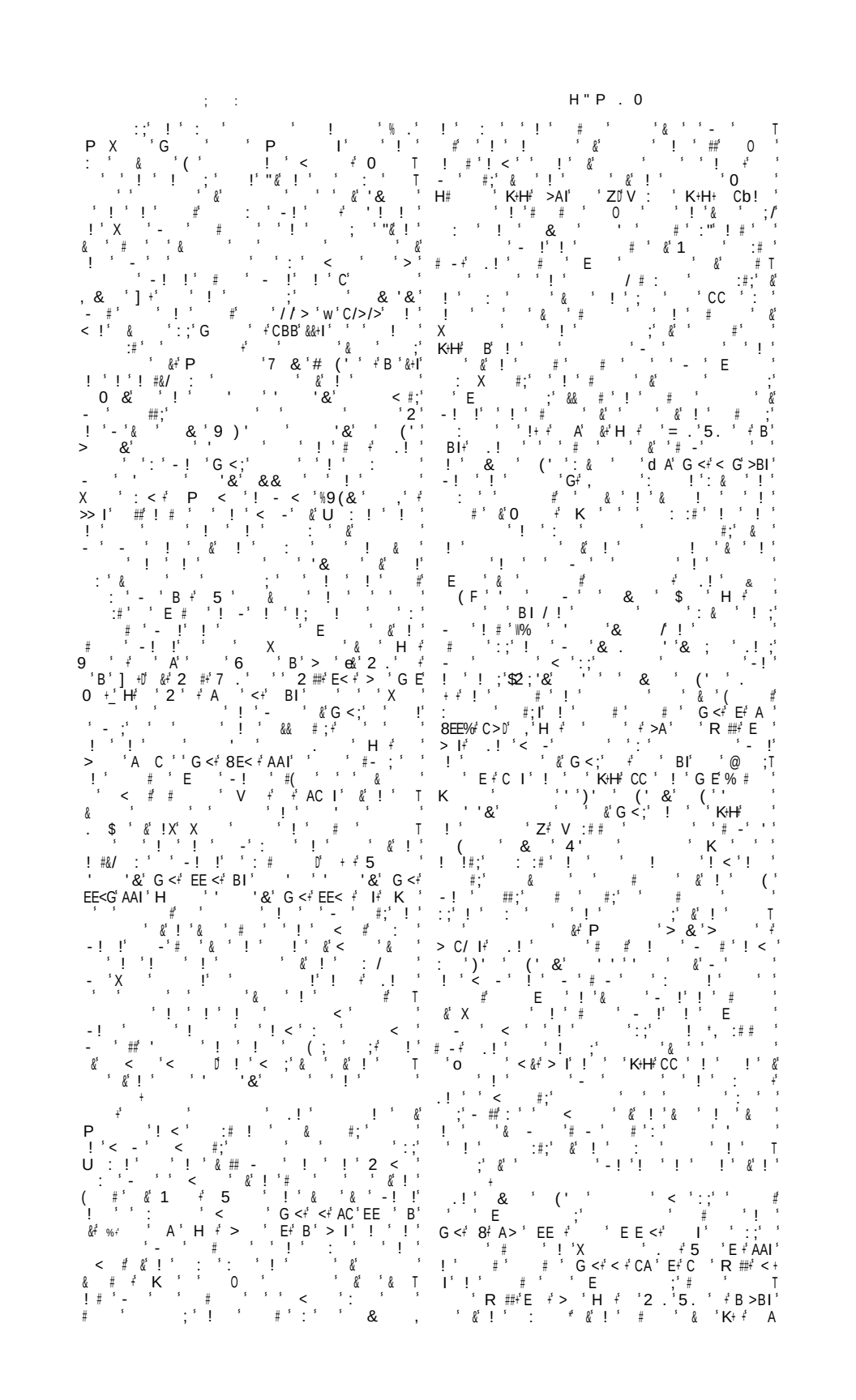

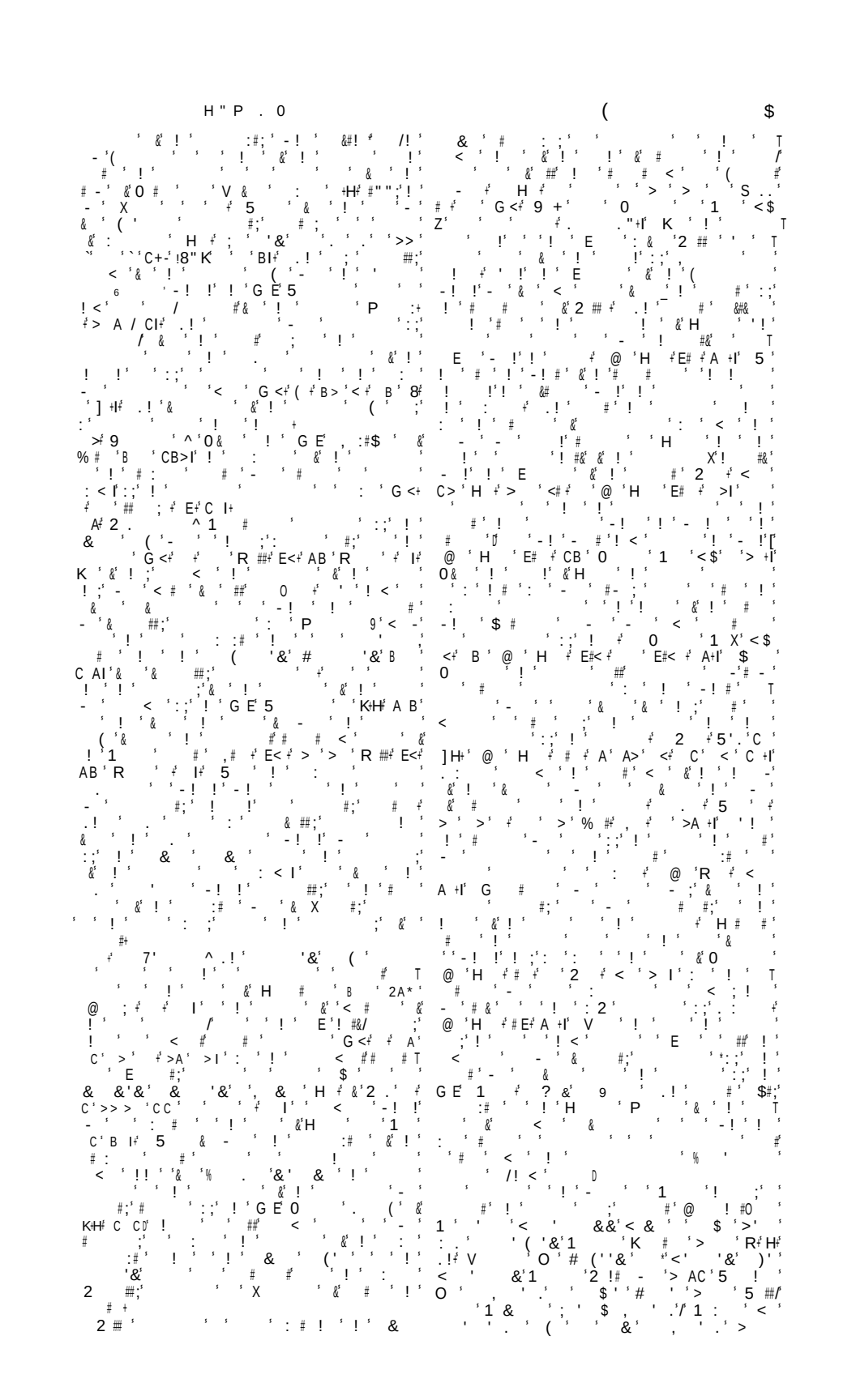

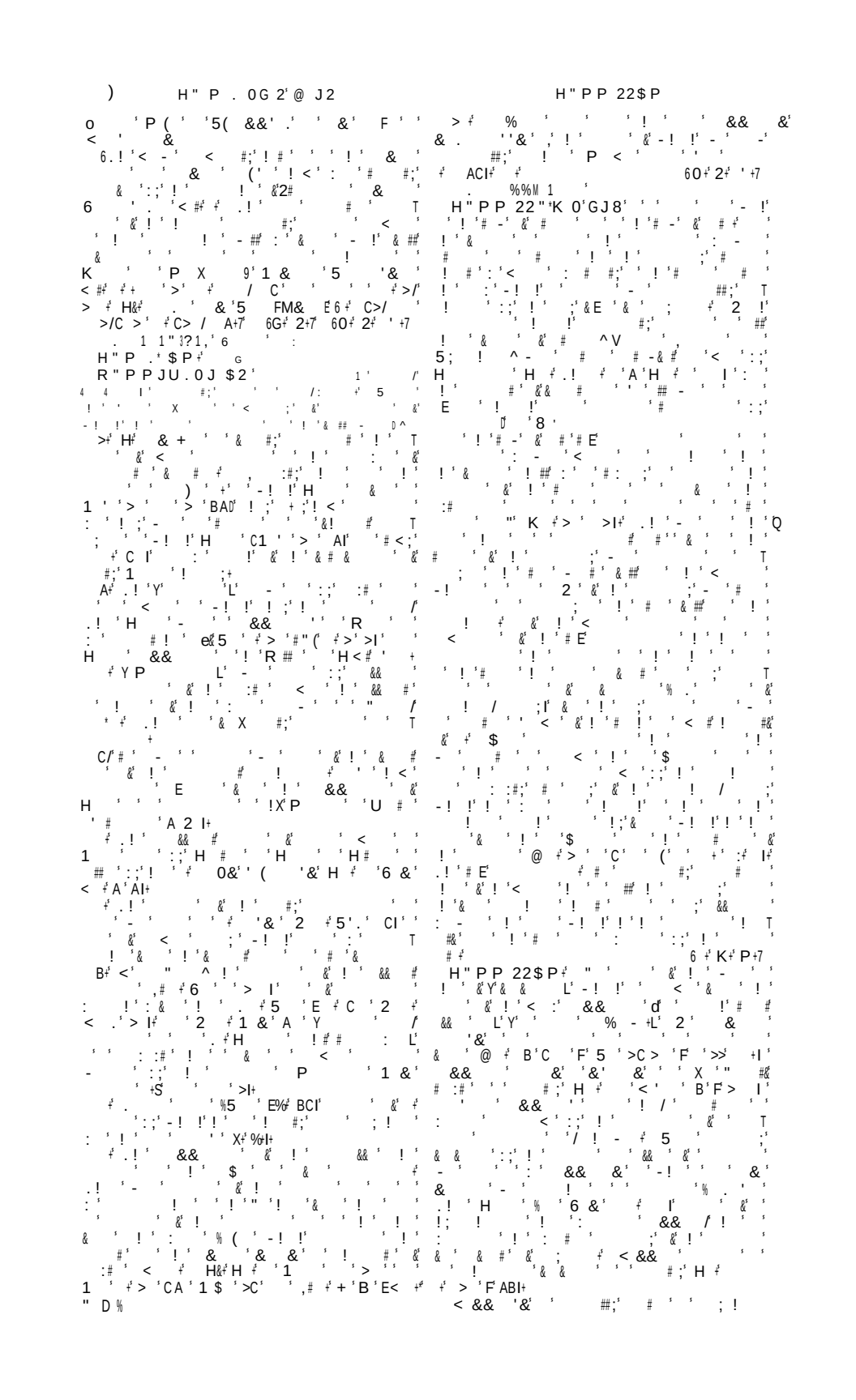

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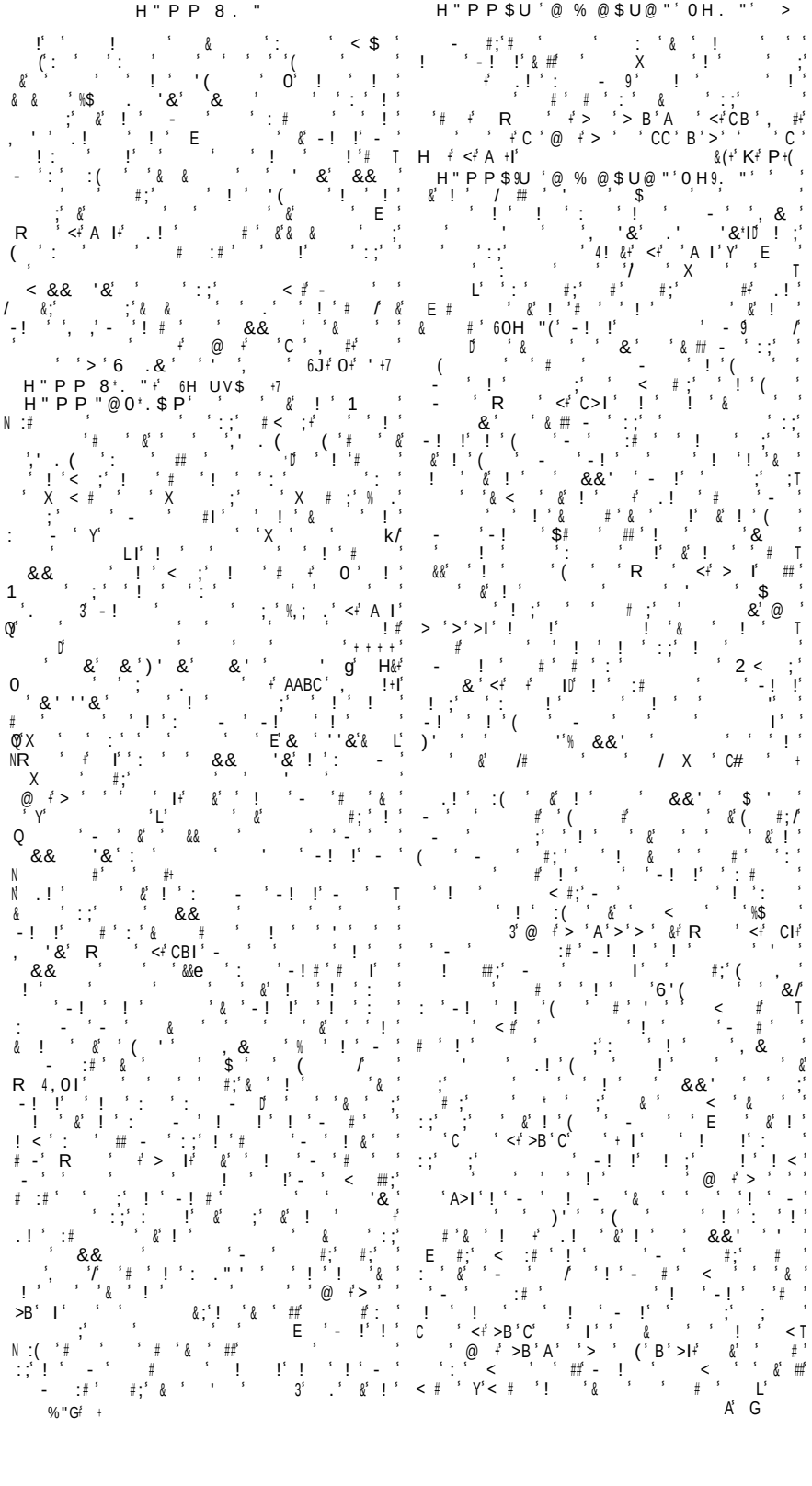

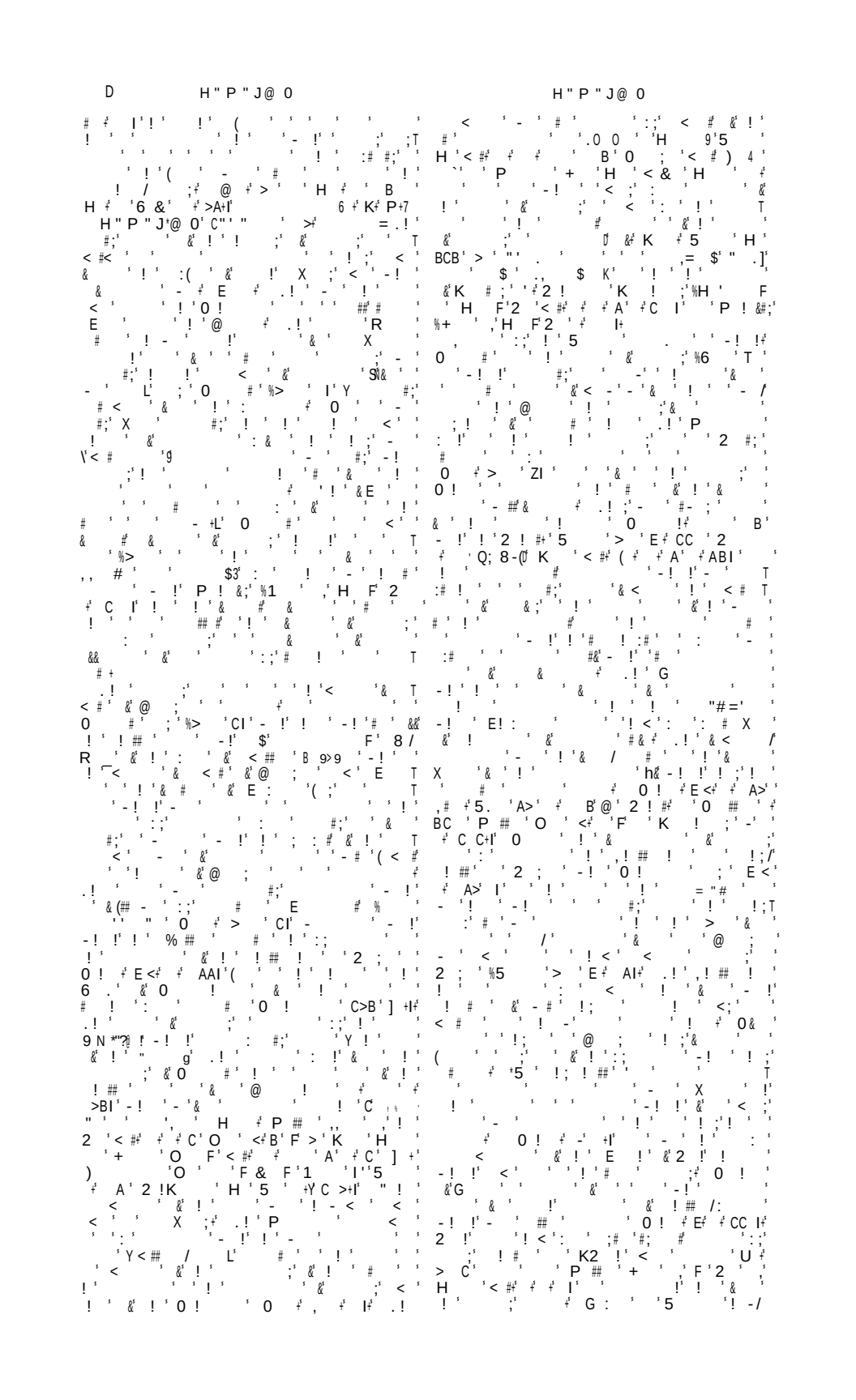

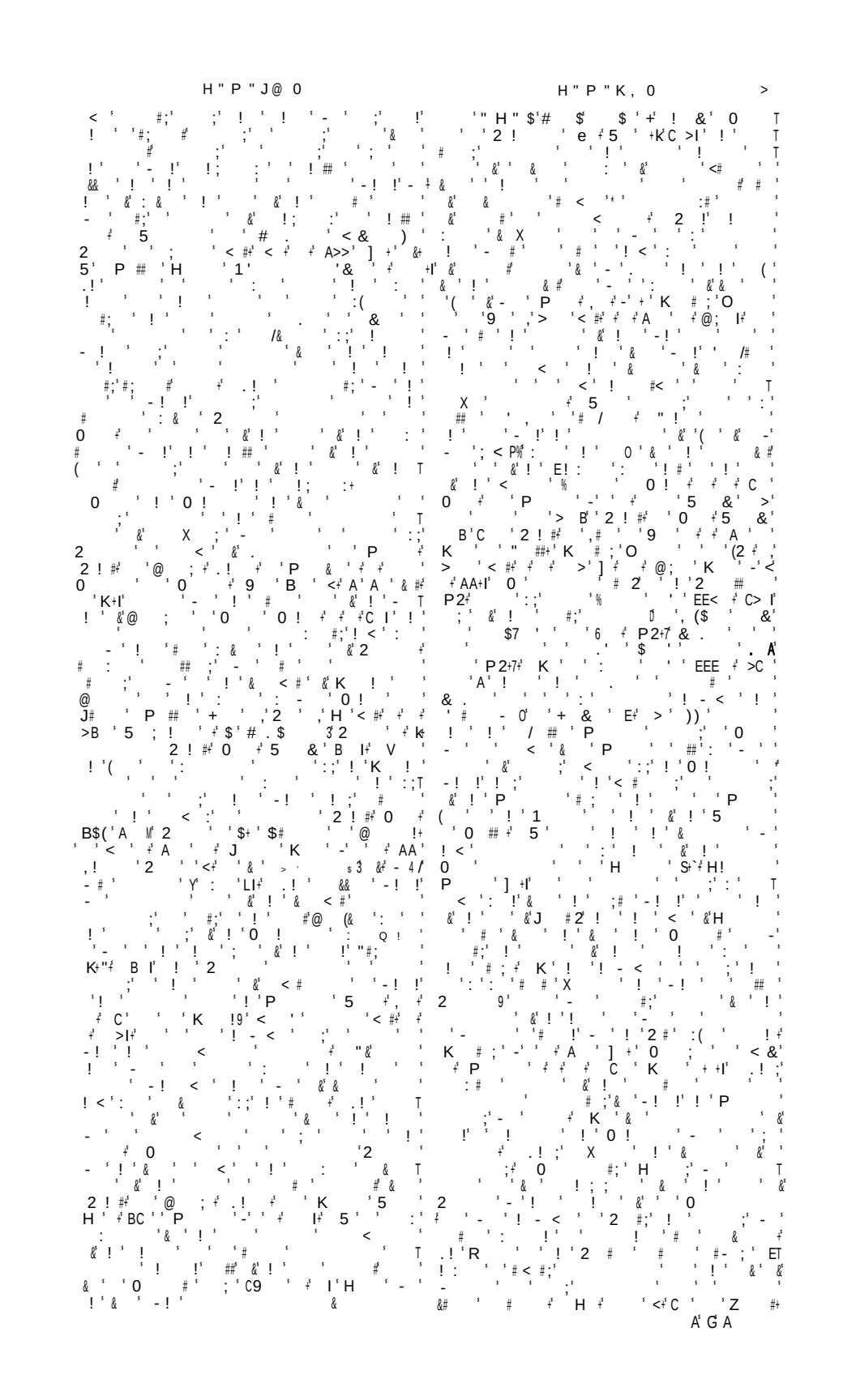

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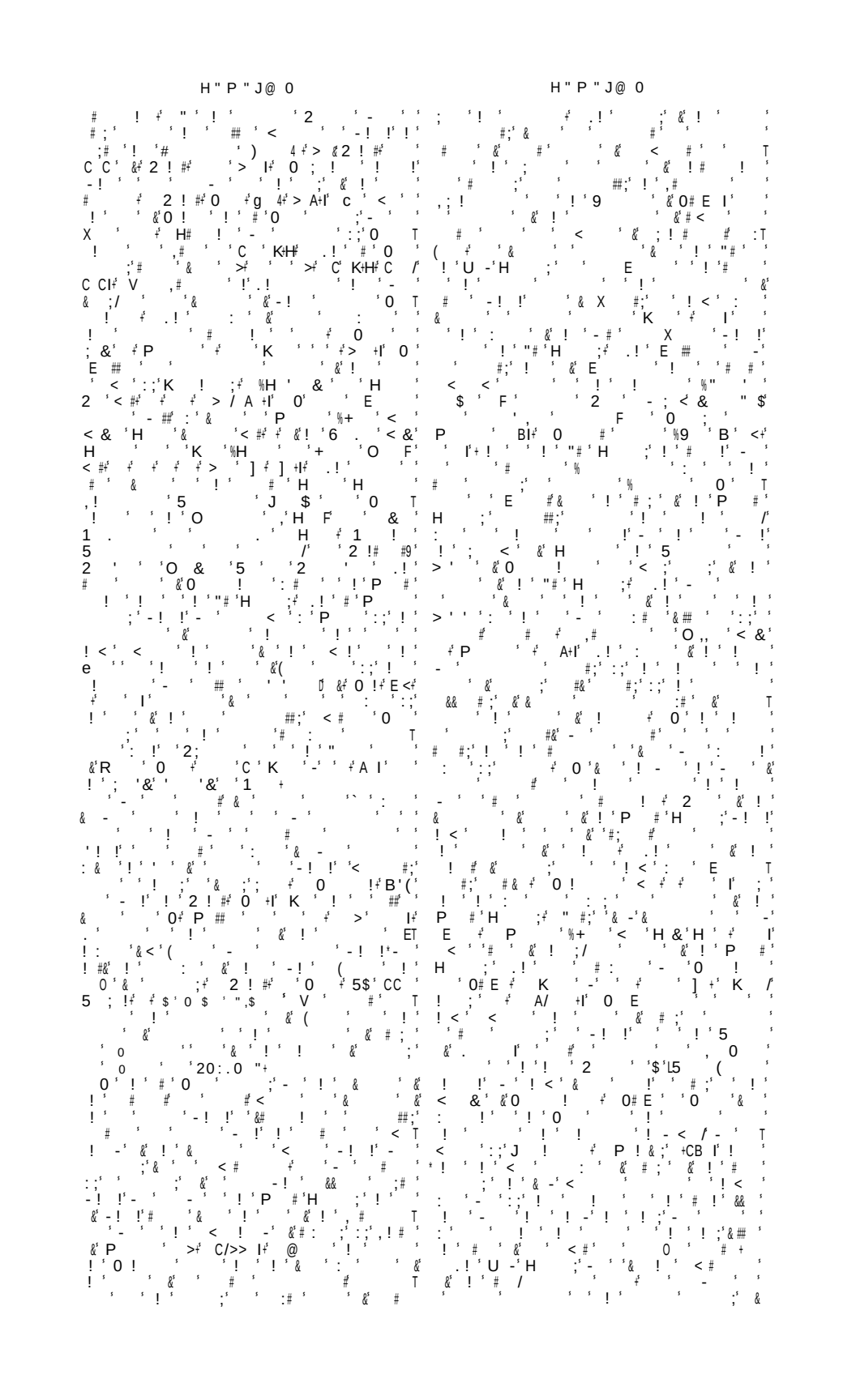

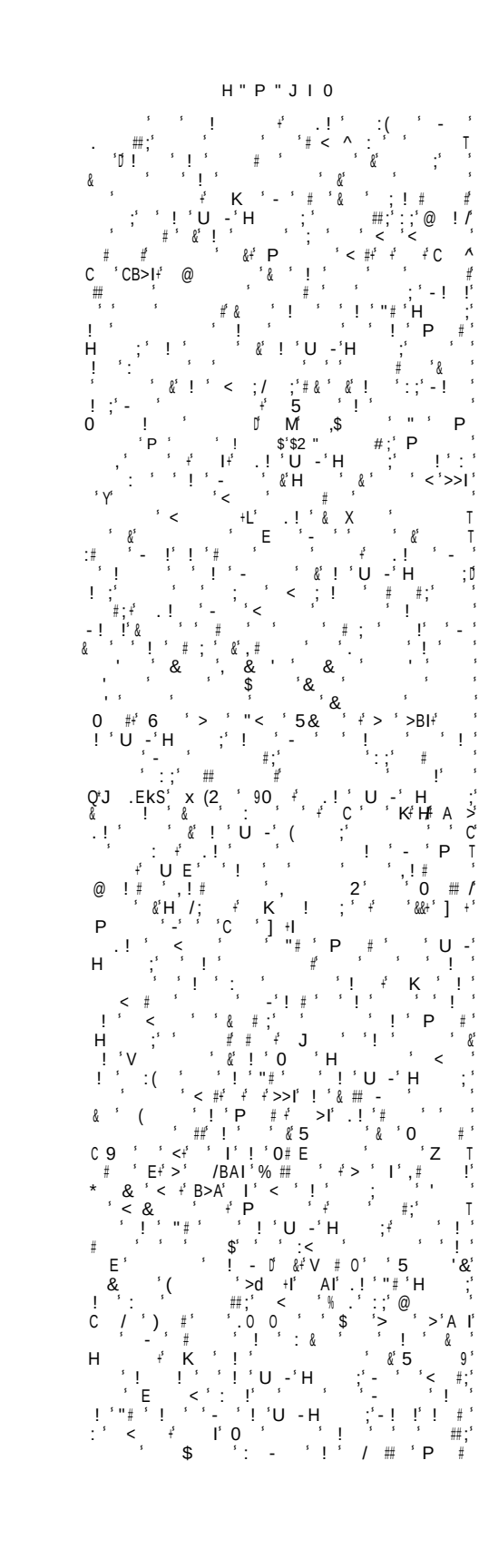

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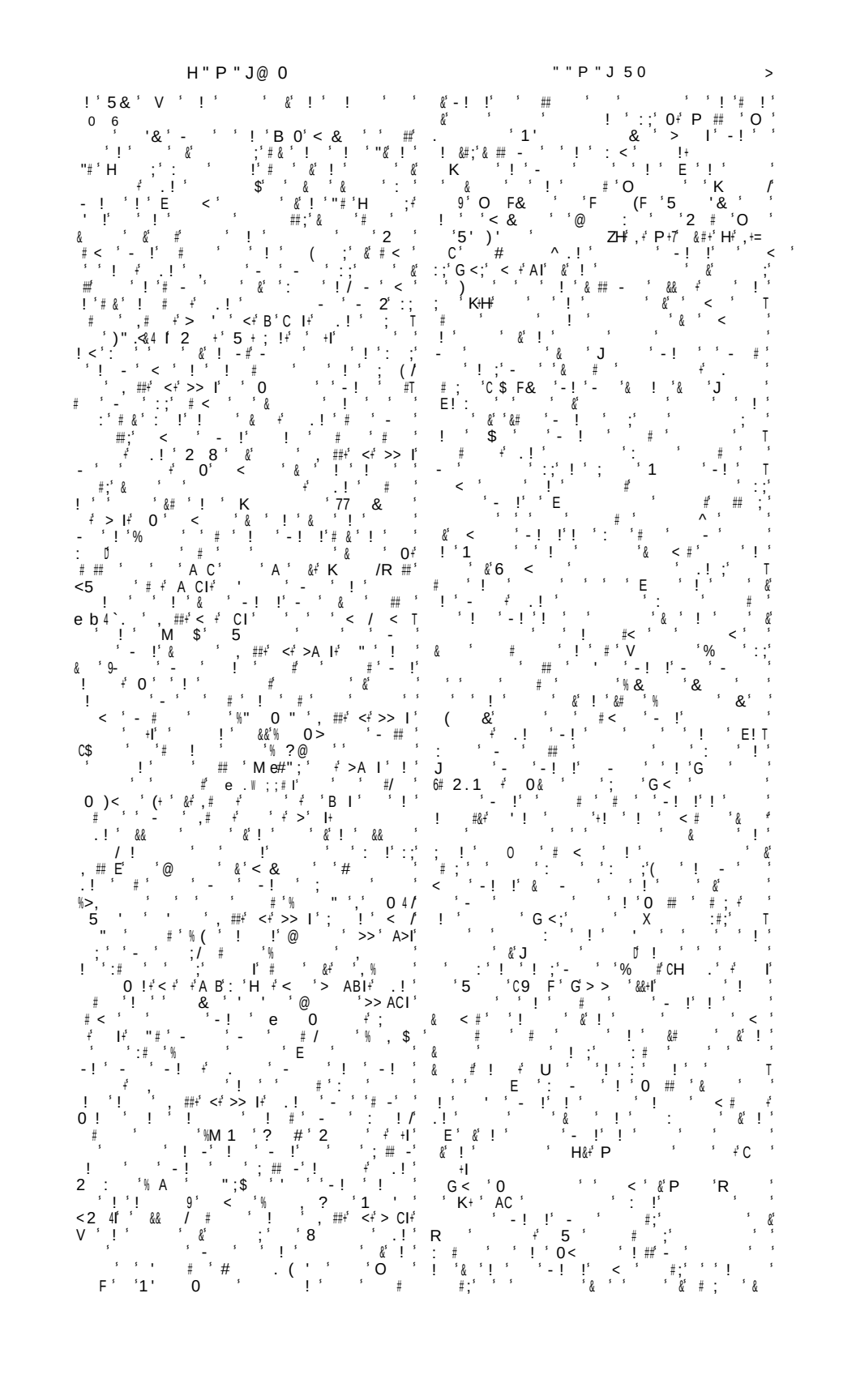

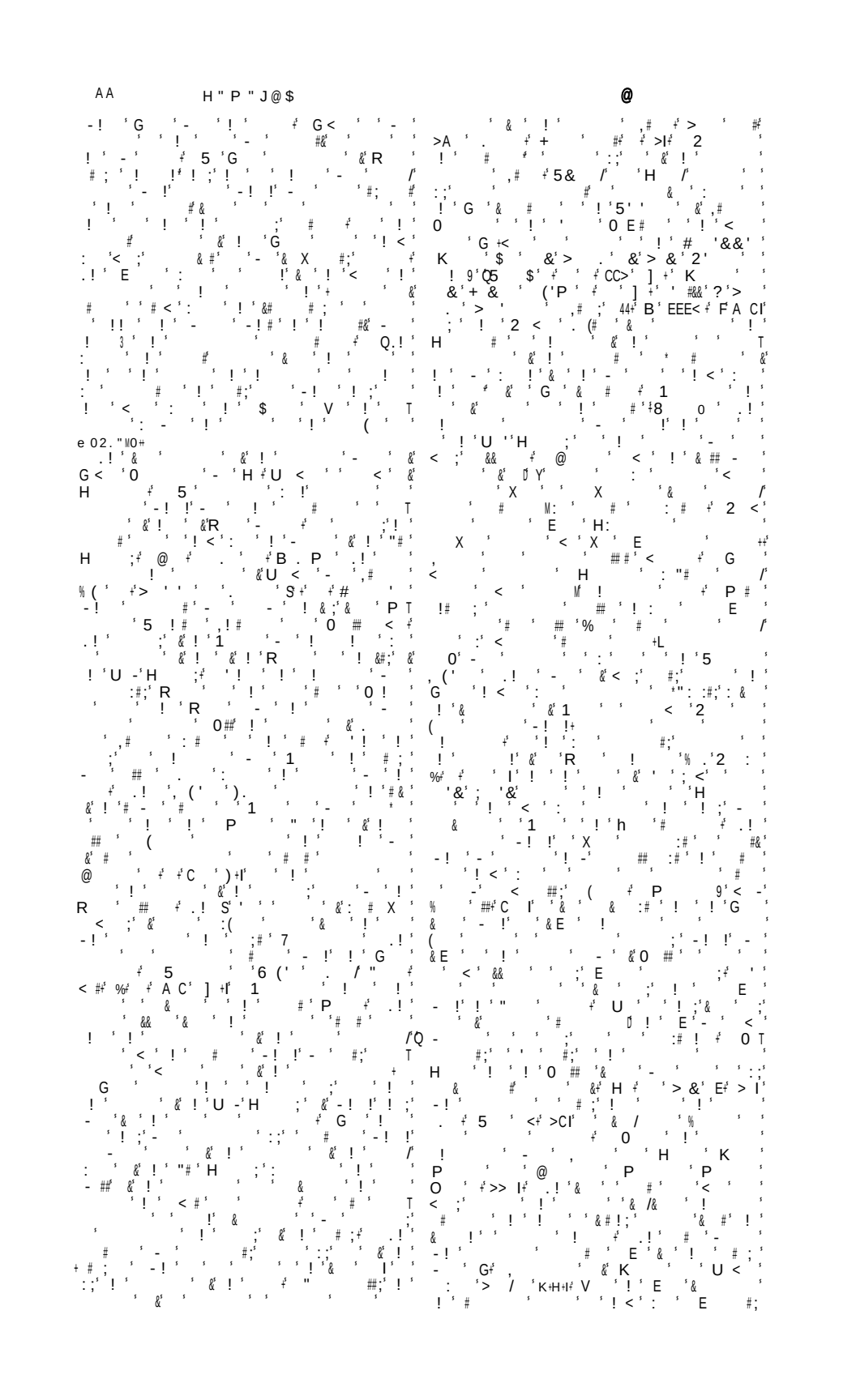

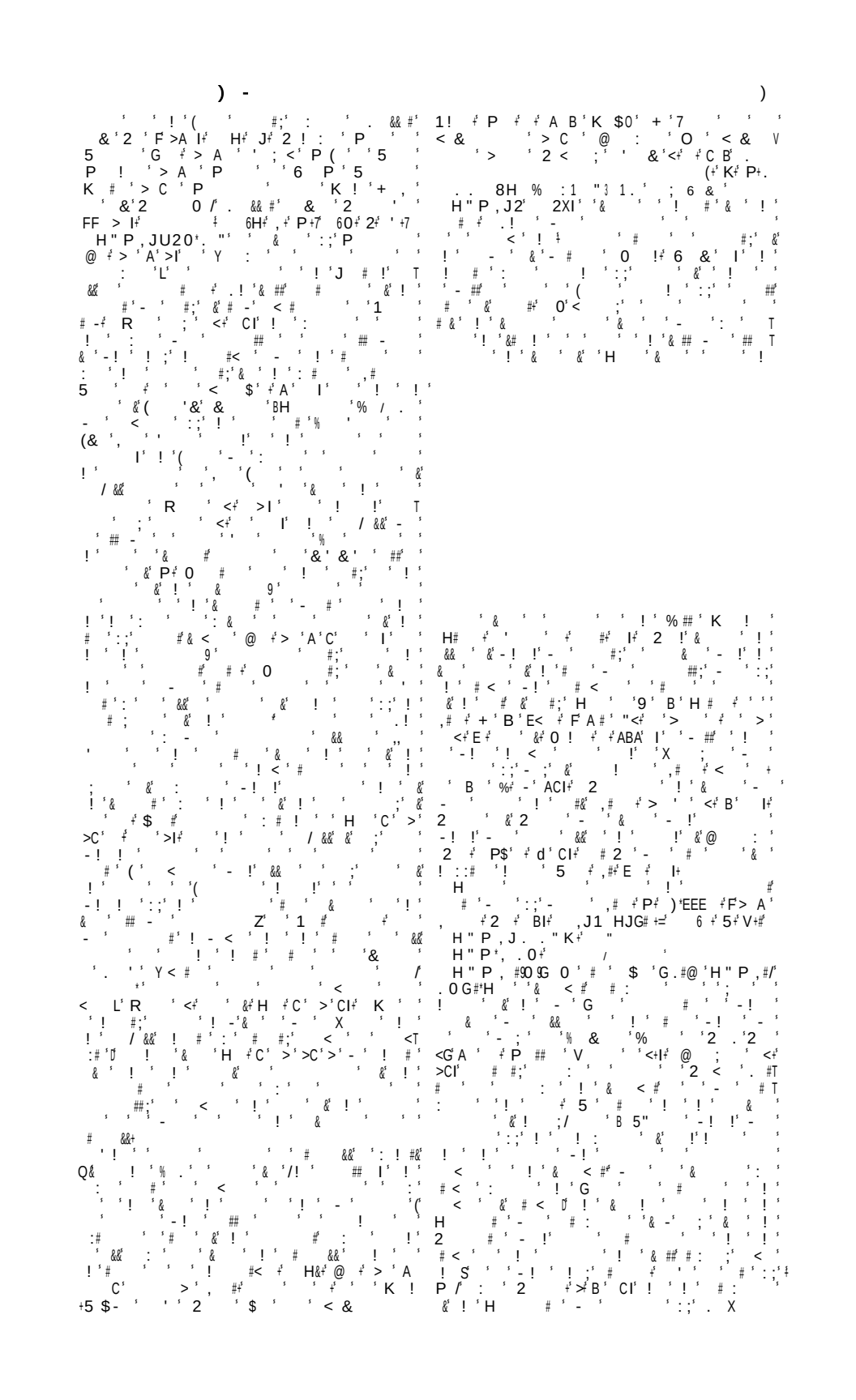

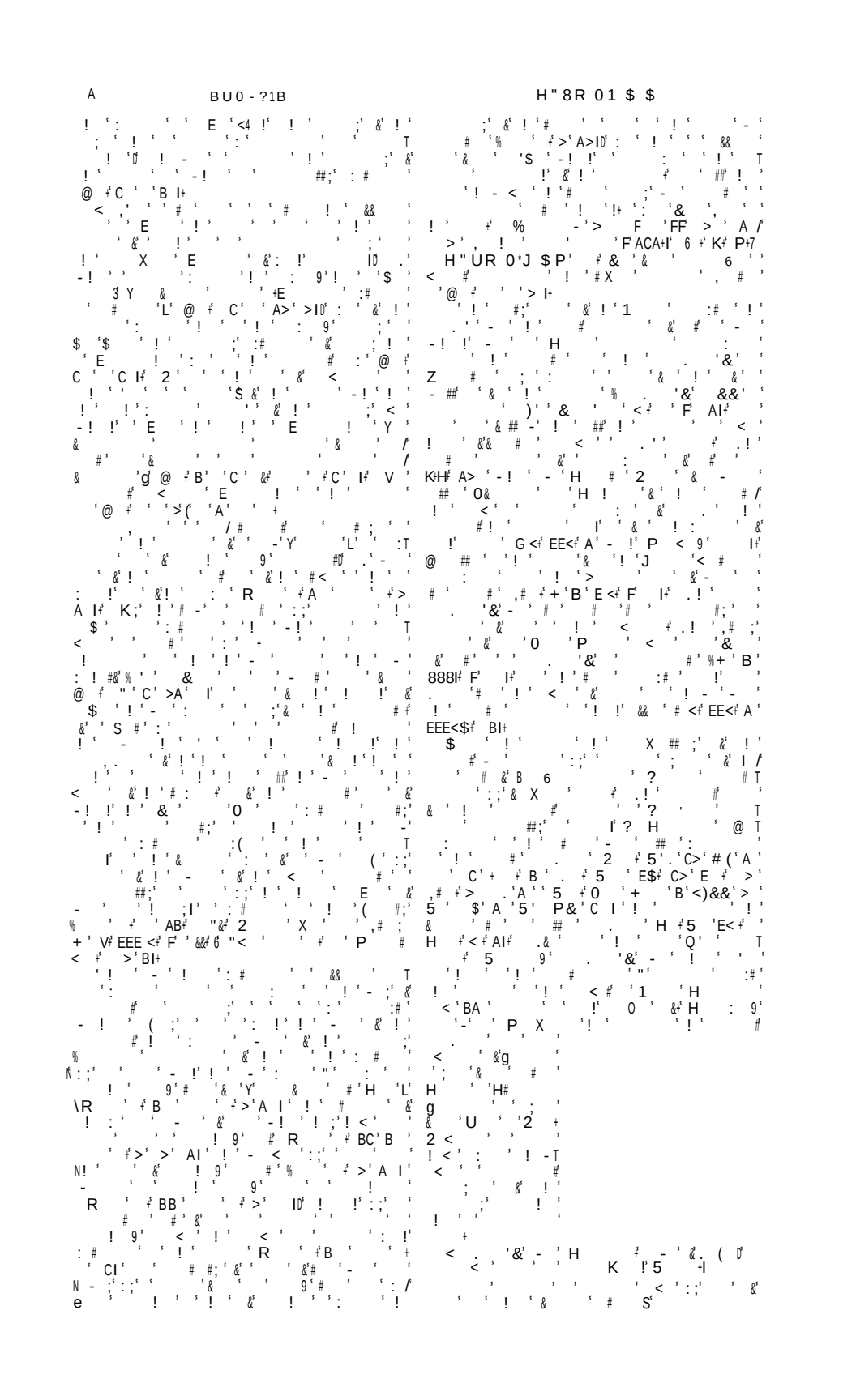

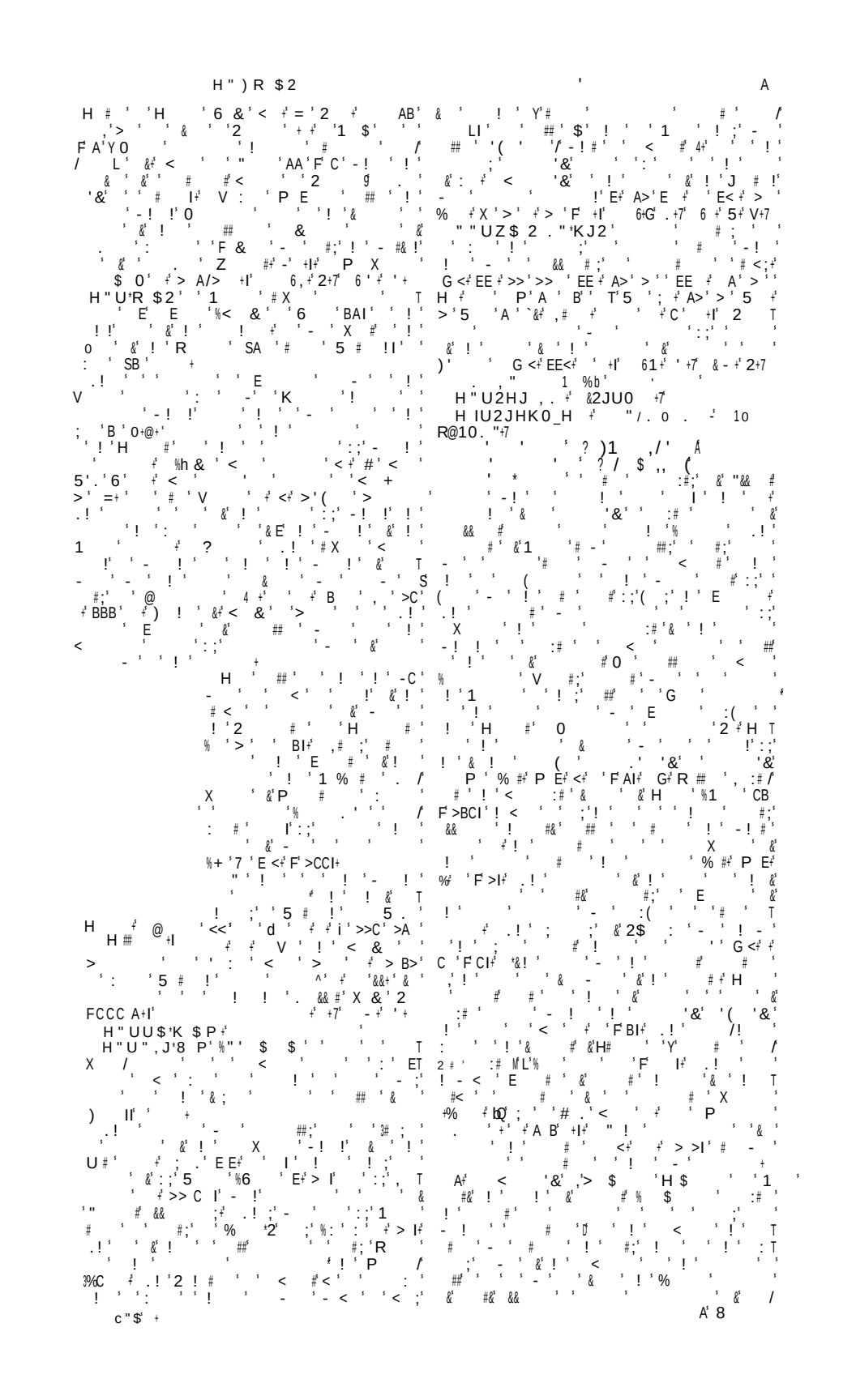

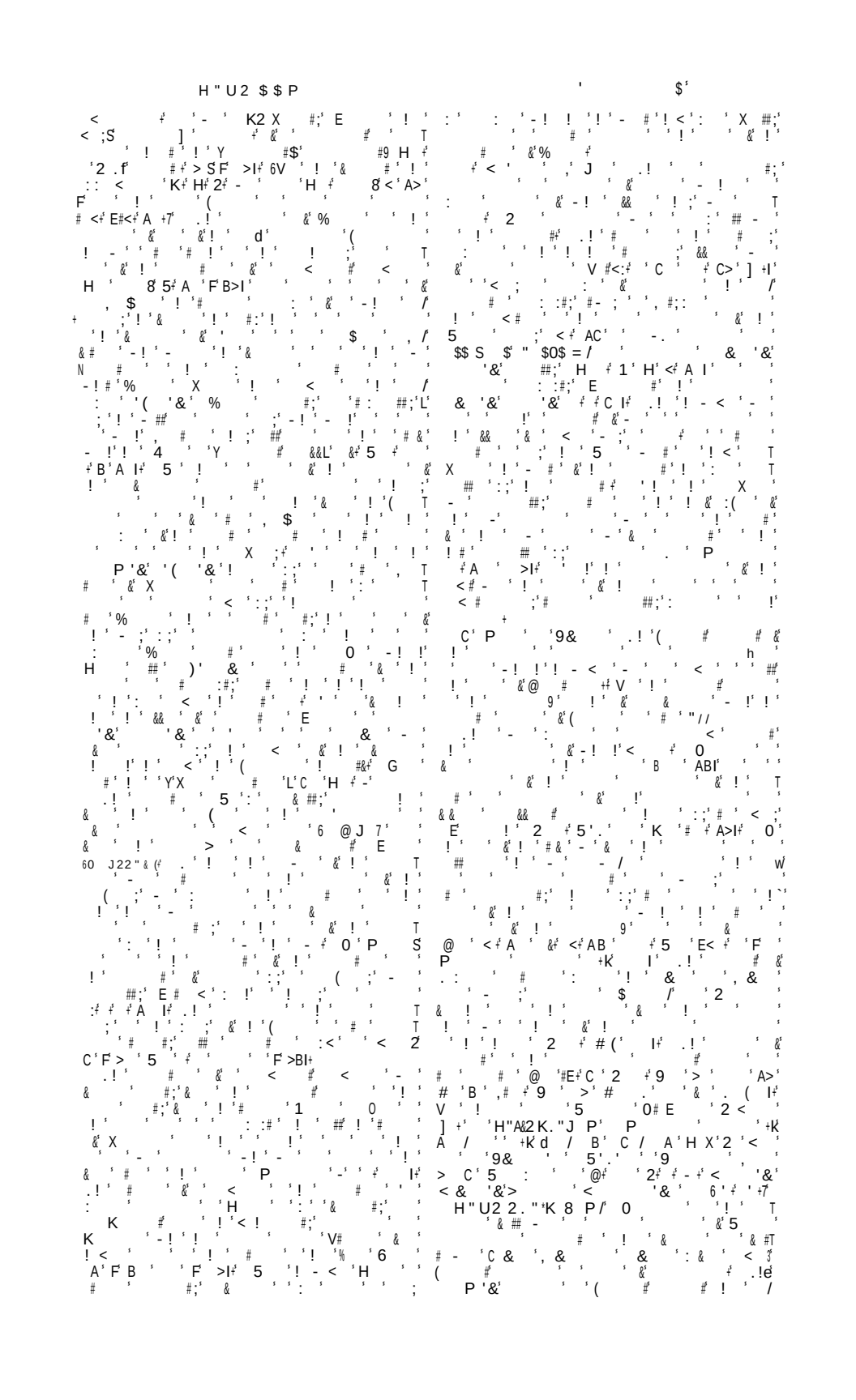

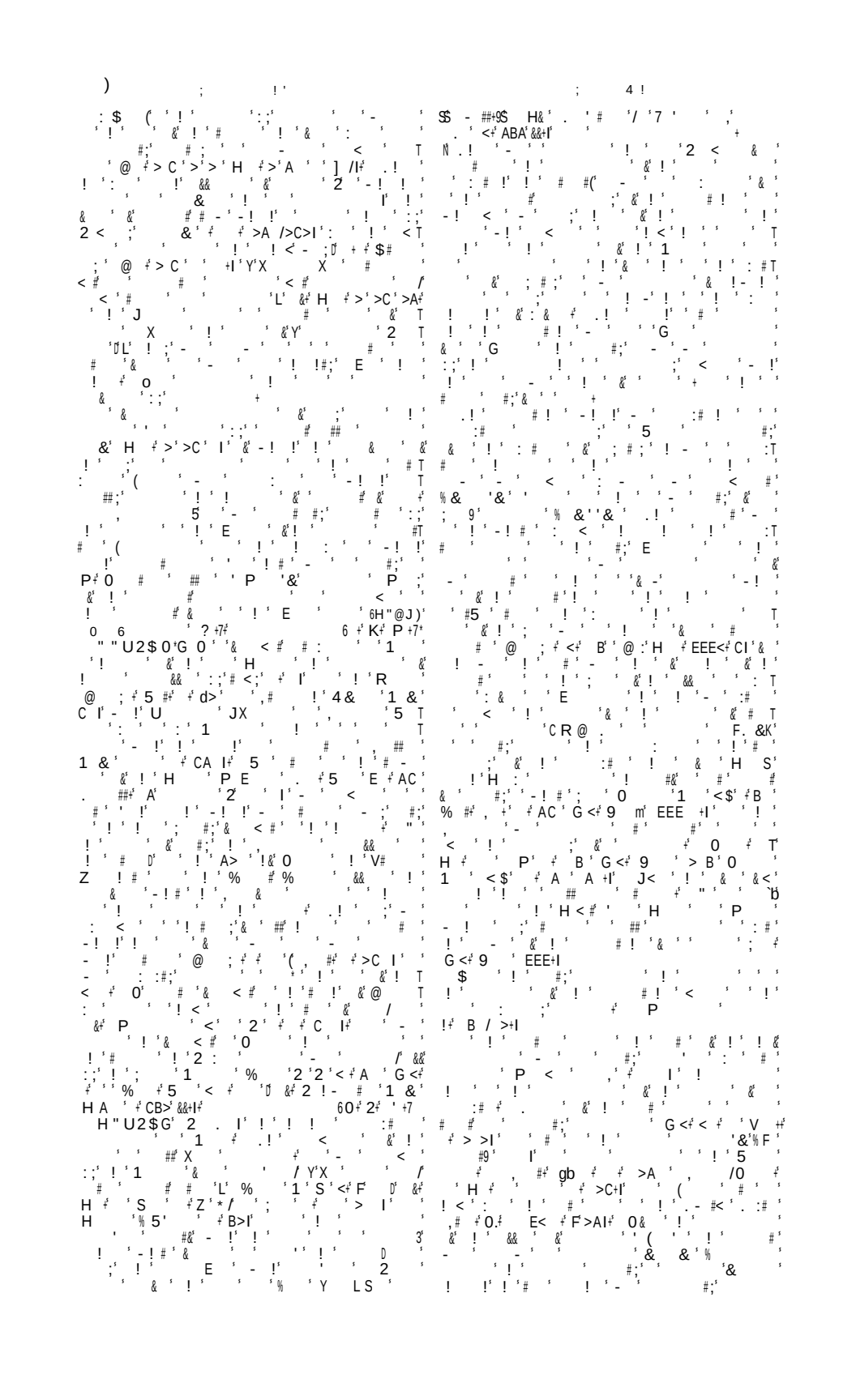

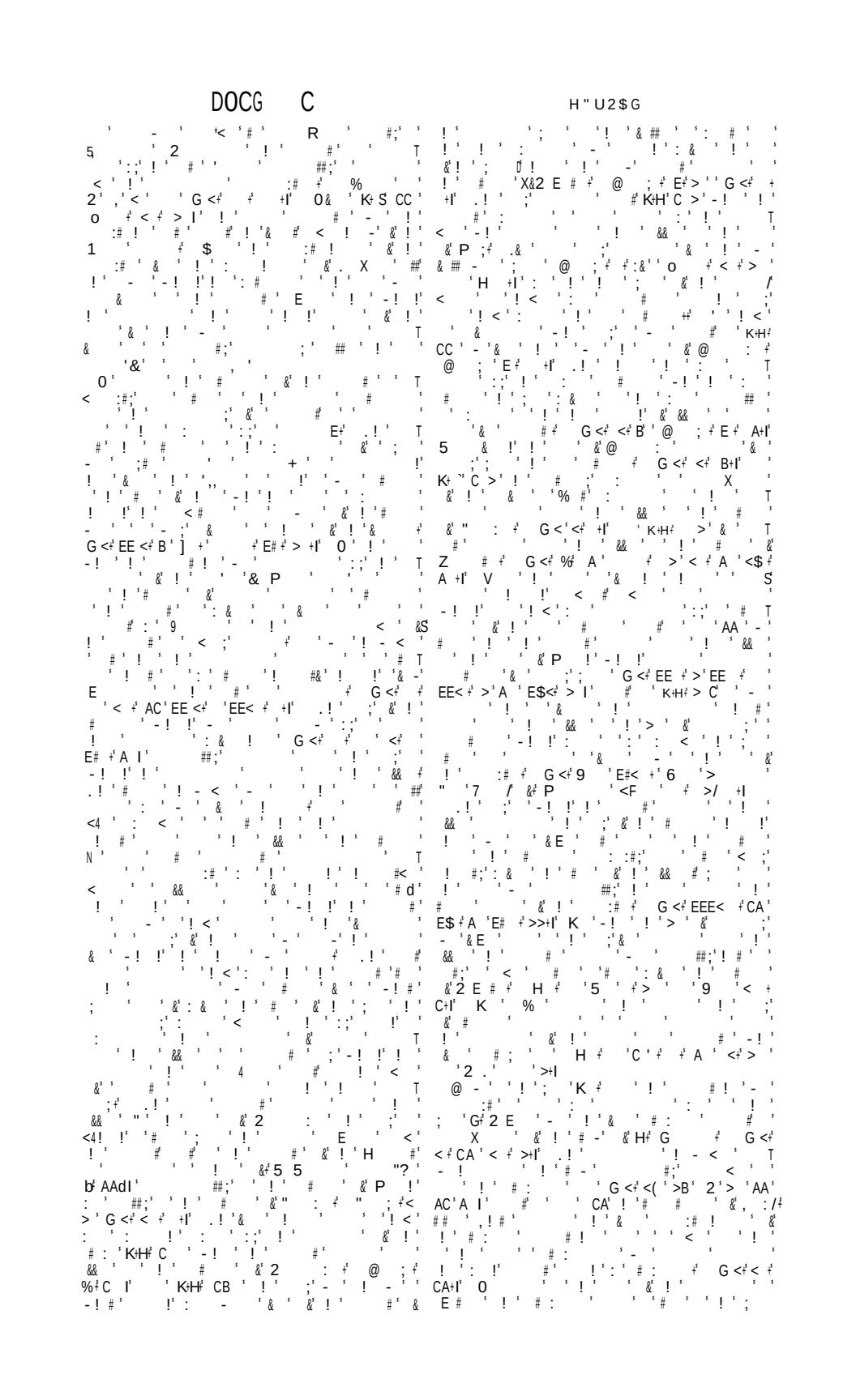

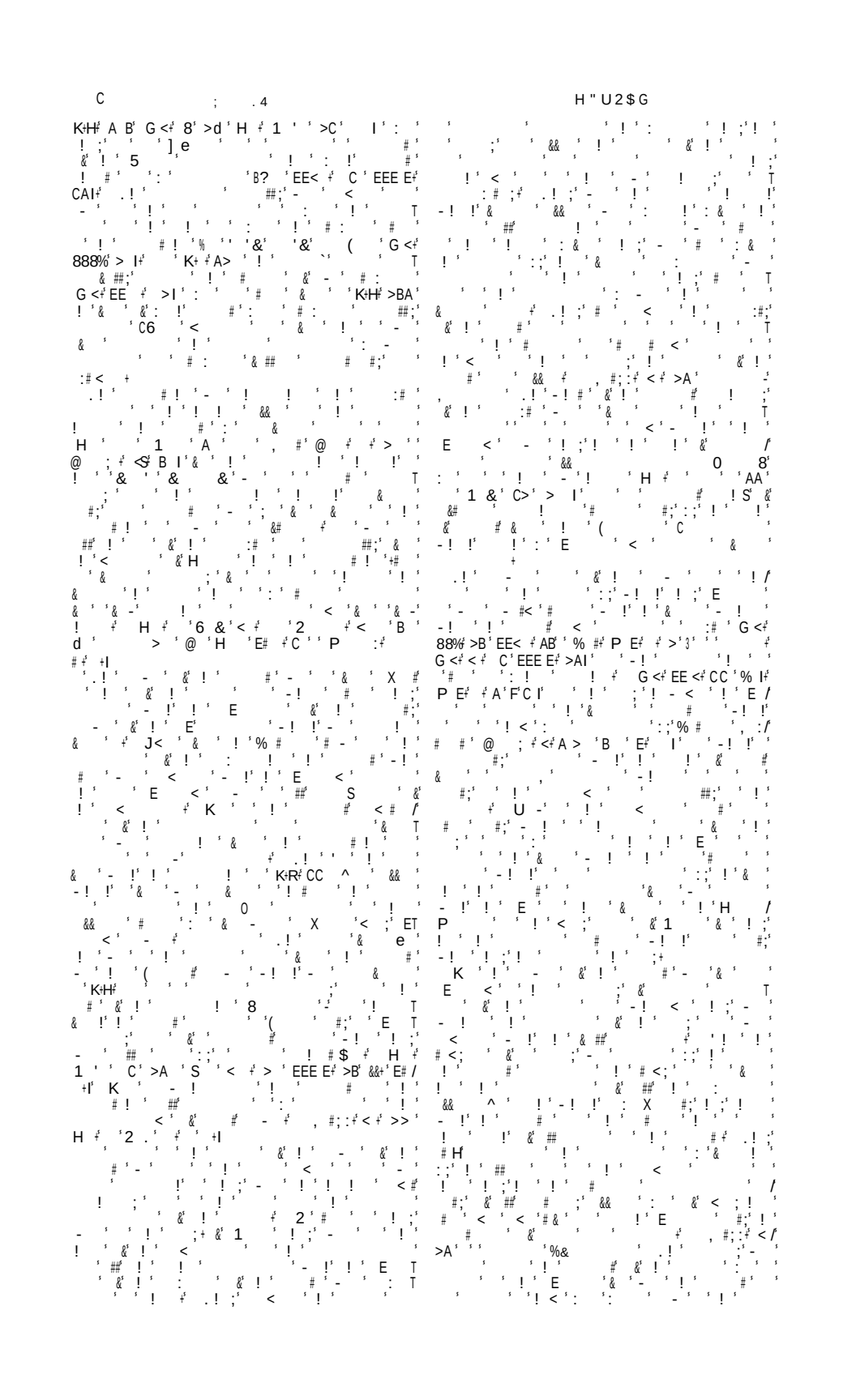

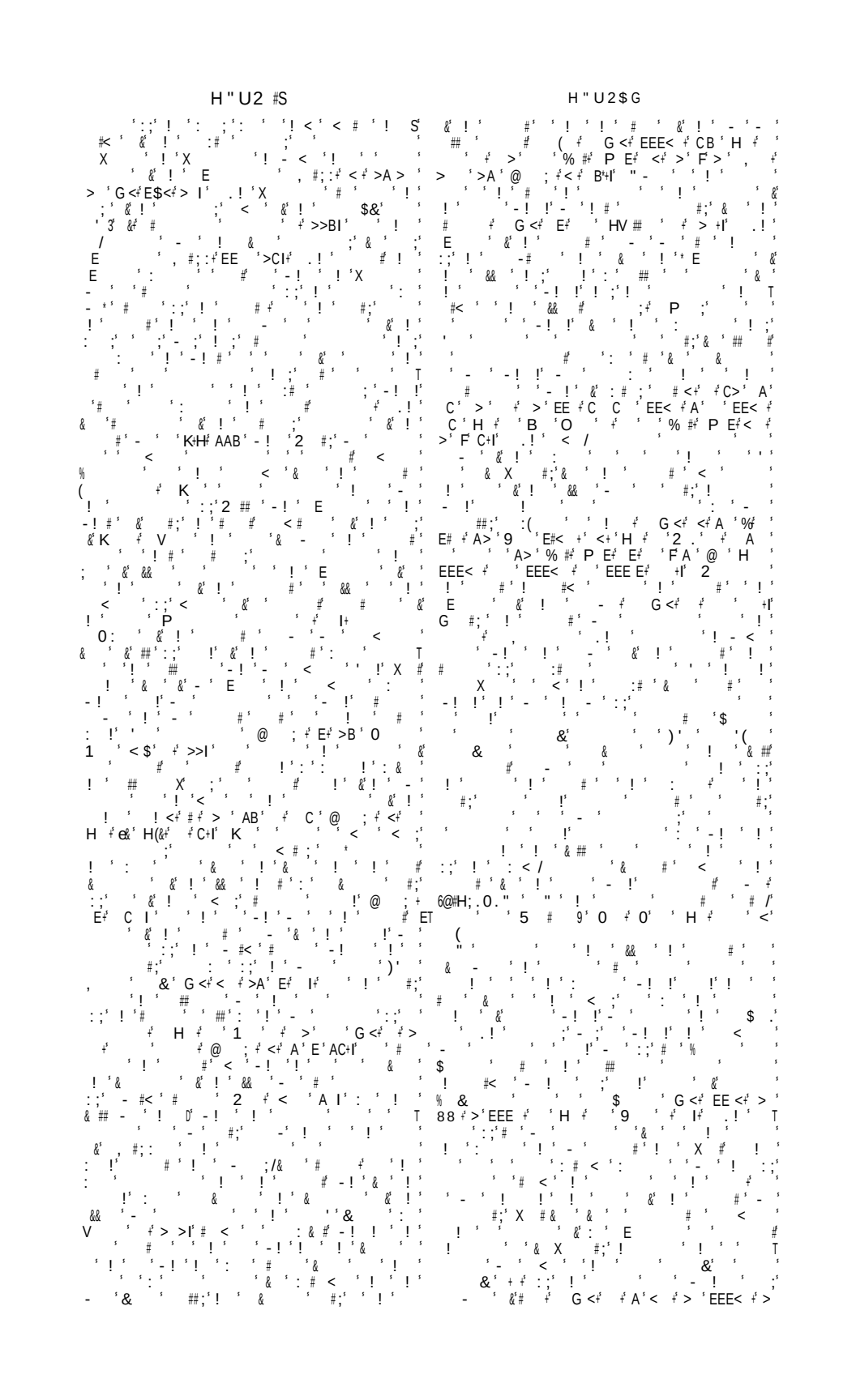

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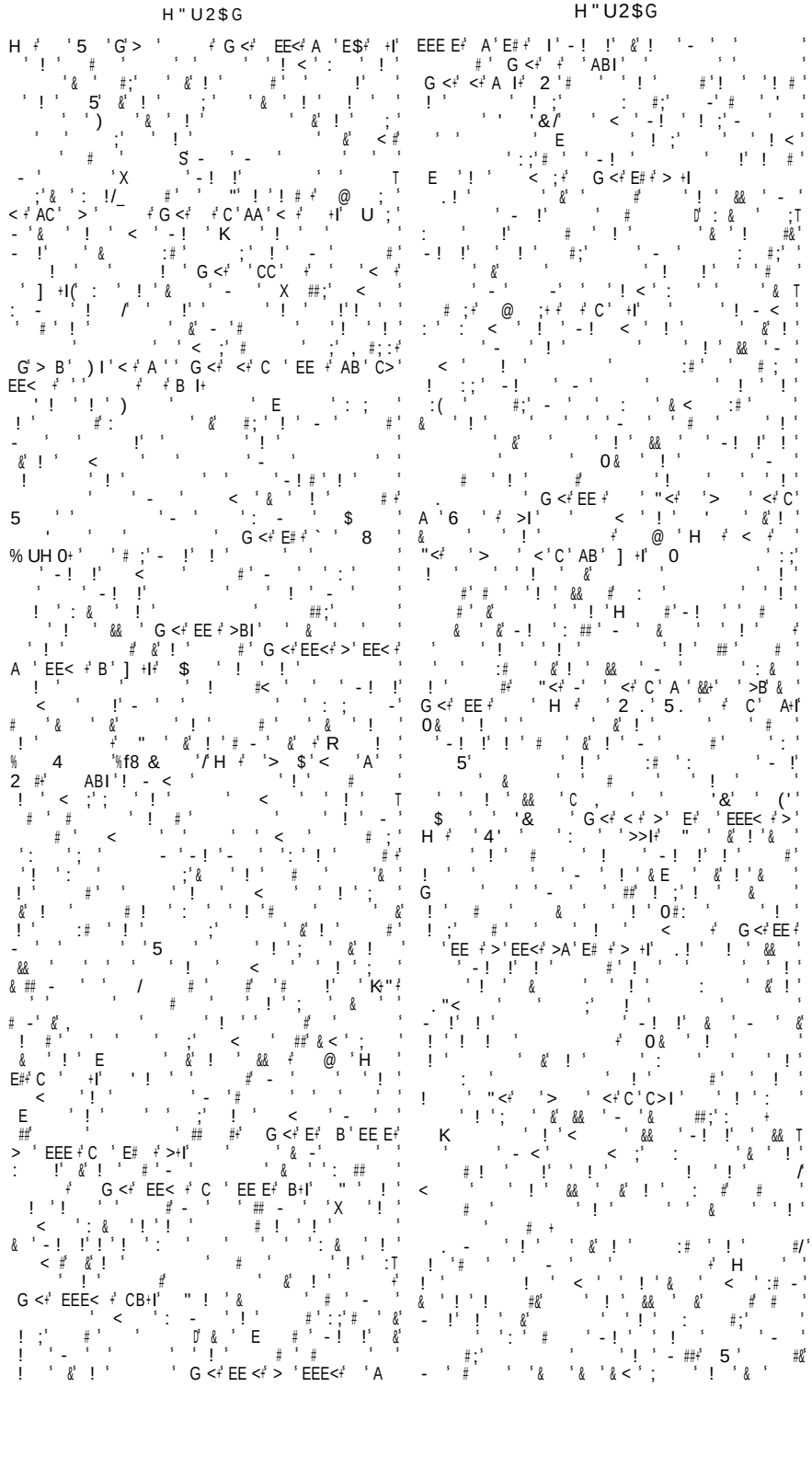

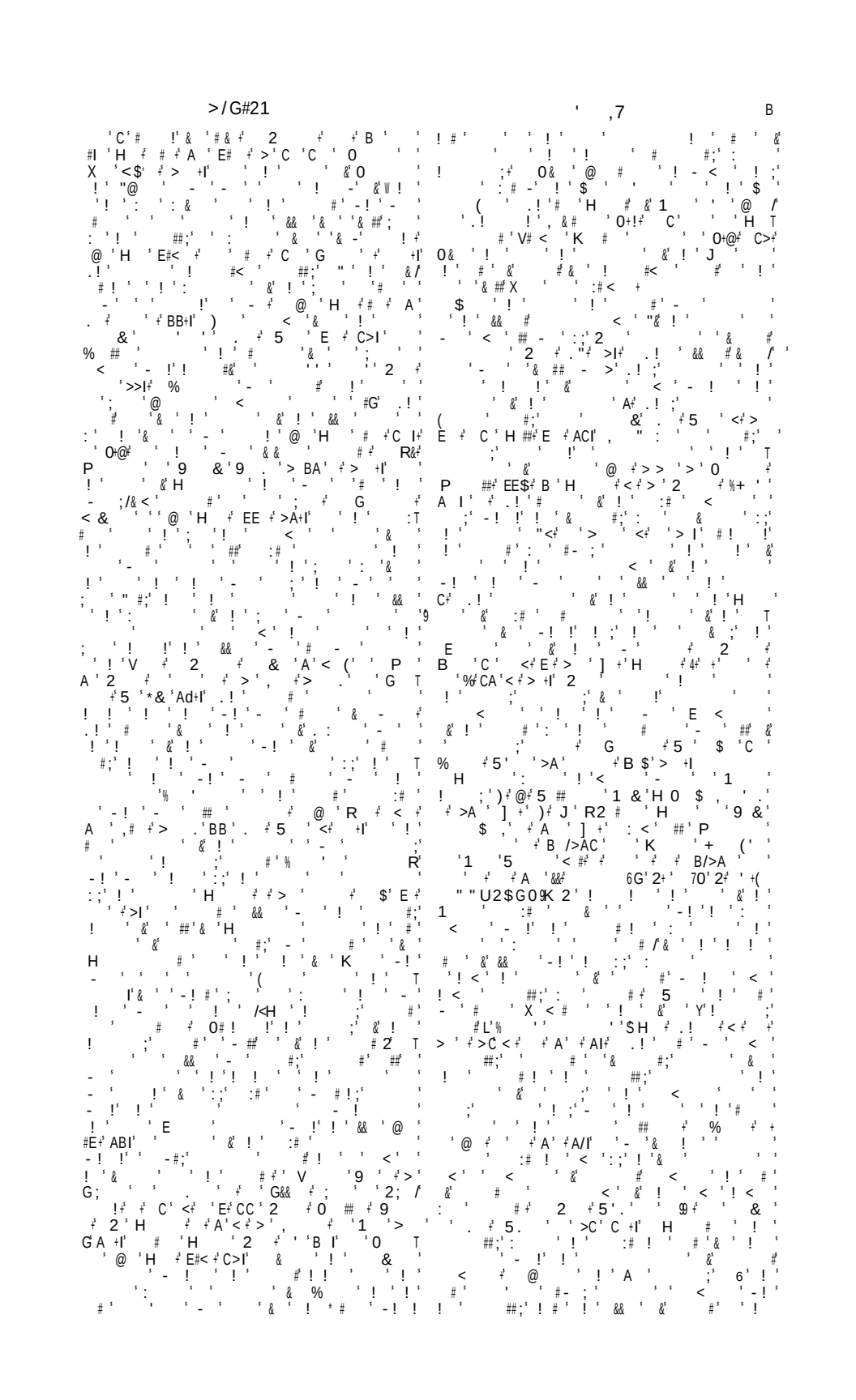

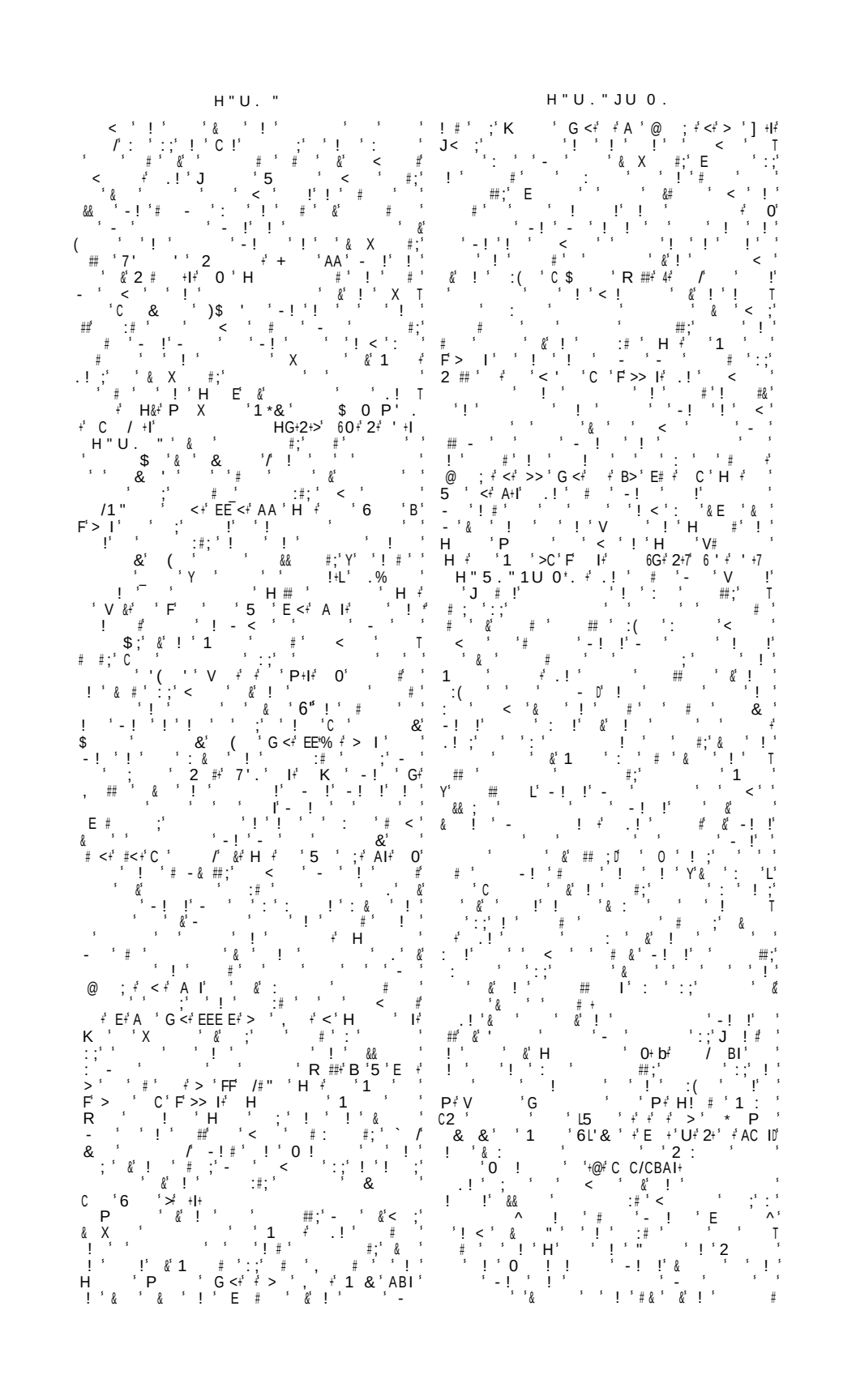

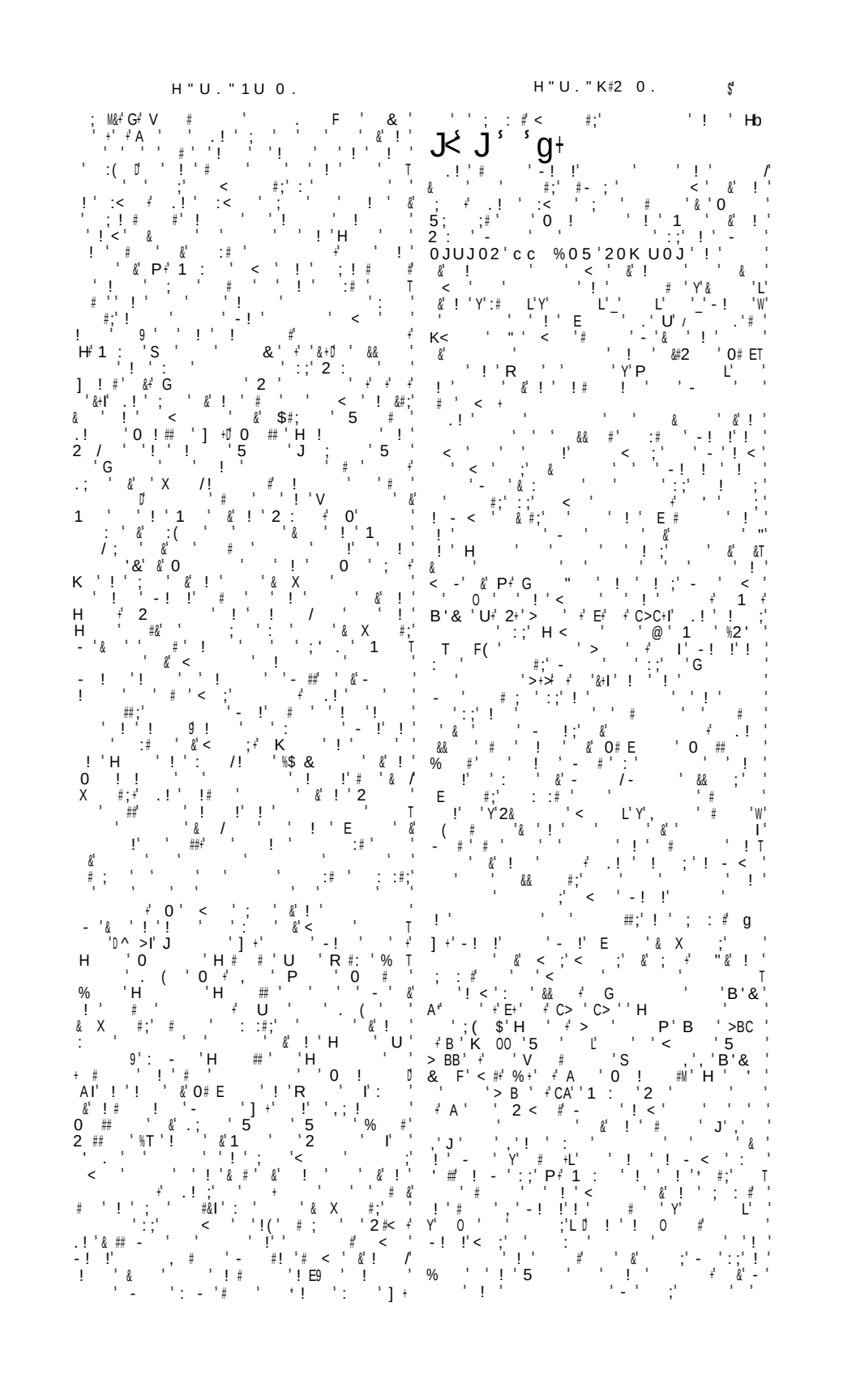

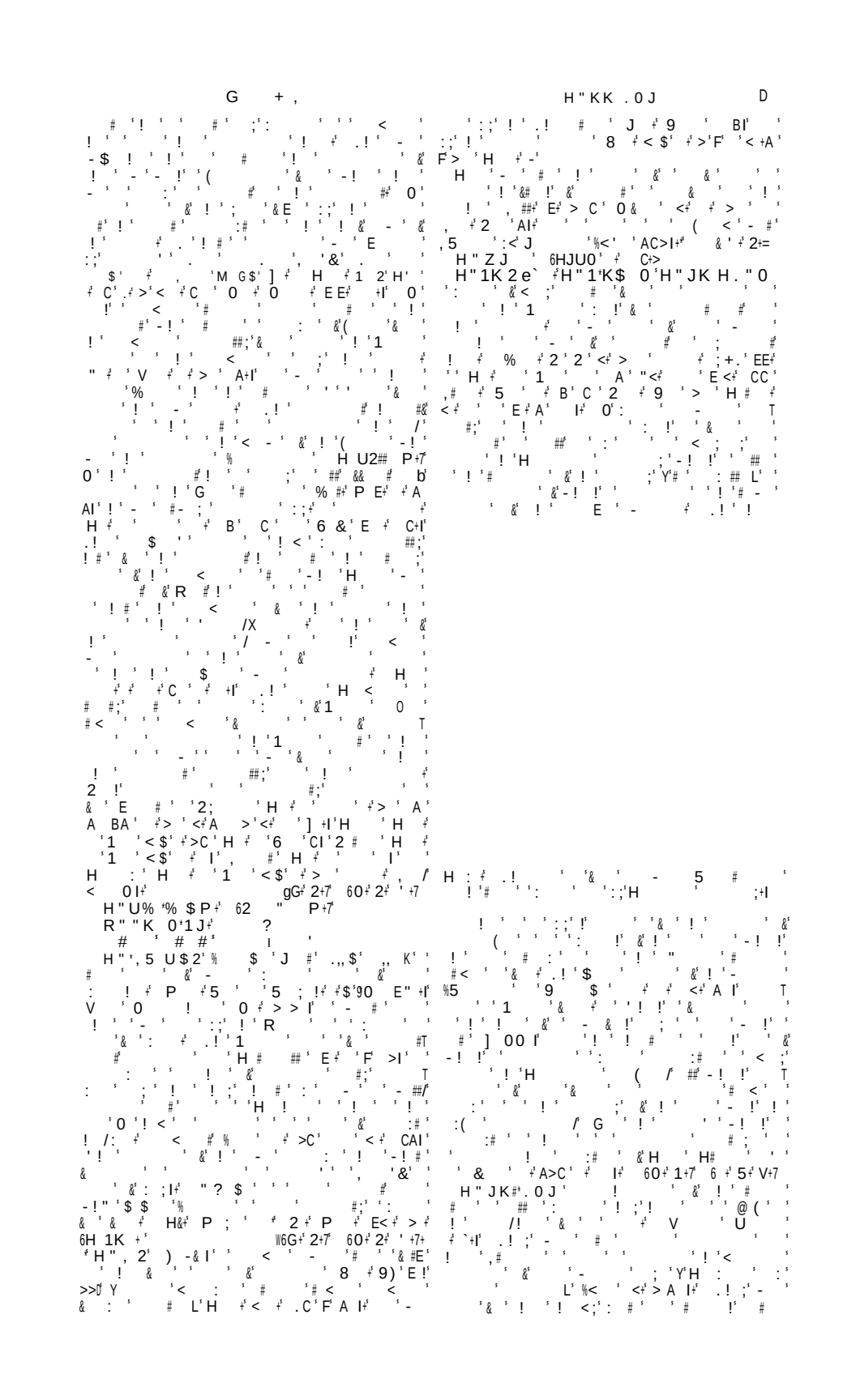

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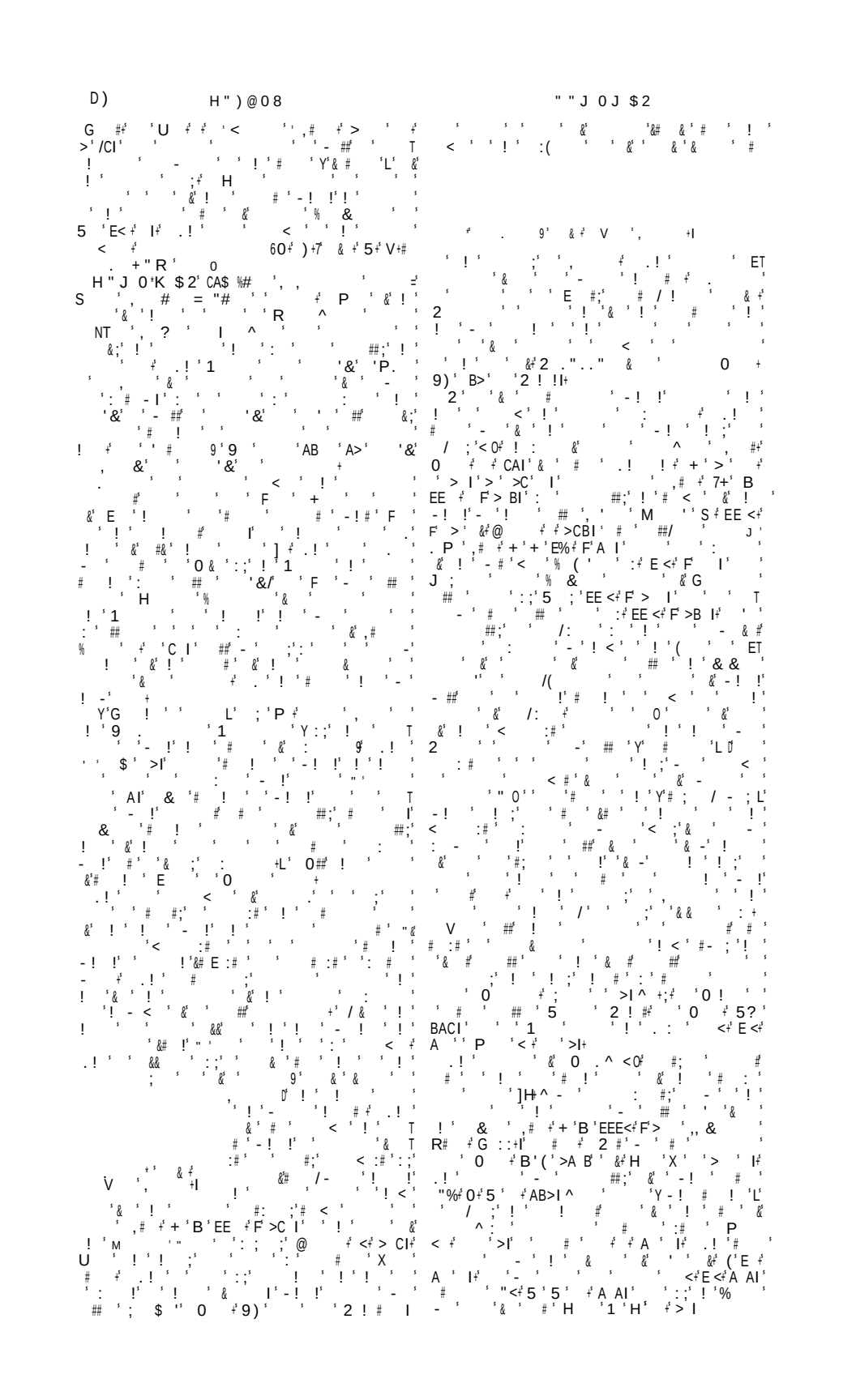


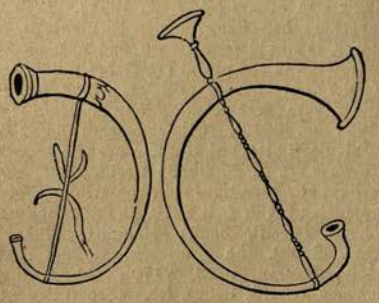
in being a larger and more powerful instrument, and from the *tuba* itself, in being curved nearly in the shape of a C, with a cross-piece to steady the instrument for the convenience of the performer. In Greek it is called *στρογγύλη σάλπιγξ*. It had no stopples or plugs to adjust the scale to any particular mode (Burney's *Hist. of Music*, vol. i. p. 518); the entire series of notes was produced without keys or holes, by the modification of the breath and the lips at the mouthpiece (Veget. iii. 5). Probably, from the description given of it in the poets, it was, like our own horn, an octave lower than the trumpet. The *classicum*, which originally meant a signal, rather than the musical instrument which gave the signal, was usually sounded with the *cornu*.

"Sonuit reflexo
Classicum cornu, lituusque adunco
Stridulos cantus elisit aere." (Sen. *Oed.* 752.)

From which lines we learn the distinction between the *cornu* and *lituus*, as from Ovid (*Met.* i. 98) we learn that between the *tuba* and *cornu*—

"Non tuba directi, non aeris cornua flexi."

The following woodcut, taken from Bartholini (*De Tibiis*, p. 403), illustrates the above account.



Cornua. (Bartholini.)

The resemblance of the *cornu* and the *bucina* may be inferred from Vegetius' somewhat confused statements: (1) That the *cornu* was the horn of the urus bound together by silver, while the *bucina* was a circular brass instrument (iii. 5); (2) that the *cornicines* employed a curved brass instrument, the *bucinatores* a *bucina* (ii. 7); (3) that the *bucinatores* sounded the *classicum* on a *cornu* (ii. 22). The *cornu* was also used in Bacchic festivals (Catull. lxiv. 263; Pers. i. 99), at funerals (Hor. *Sat.* i. 6, 44; Petr. *Sat.* 78), and at the games in the amphitheatre (Juv. iii. 34, x. 214). (Niccolini, *Case di Pompei*, i., *Anfiteatro*, pl. iii.)

The *Cornicines* and the *Liticines*, the soldiers who blew the *cornu* and the *lituus*, in the Roman army (Liv. ii. 64, 10) are included under the general name of the *Aeneatores*. [AENEATORES.] The *Cornicines* and *Liticines* formed a collegium. In the cut in the next column, M. Julius Victor, a member of the Collegium, holds a lituus in his right hand, and touches with his left a *cornu* on the ground. See engraving under TUBA.

Cornu also signifies the end of the sailyards [NAVIS], a part of the helmet in which the crest was fixed [GALEA], the end of the stick on which books were rolled [LIBER], a part of a bow [ARCUS], a part of the lyre [LYRA], the hair

Altar of Julius Victor. (Bartoli, *Pict. Ant.*, p. 76.)

dressed in the German fashion [COMA], a wing of an army [EXERCITUS]. [B. J.] [J. H. F.]

CORNU COPIAE, or as one word, CORNUCOPIAE, later CORNUCOPIA (Amm. Marc. xxii. 9, § 1; xxv. 2, § 3), the horn of fruitfulness and abundance, used as the symbol of plenty. (Plaut. *Pseud.* ii. 3, 5; Gell. xiv. 6, 2; Hor. *Carm.* 1, 17, 13–16; *Carm. Saec.* 60; *Ep.* i. 12, 29; Ov. *Met.* ix. 88.) In mythology there are two different tales explaining the origin of this horn. One traces it to the horn of the goat Amaltheia, which suckled Zeus. The horn was broken off and filled with fruits and flowers, and was afterwards placed by Zeus together with the goat among the stars. (For references, see *Dict. of Biogr.*, art. AMALTHEIA.) Another legend relates that it was the horn of the river-god Achelous, which was wrenched off by Hercules, and which became forthwith a horn of plenty (*Dict. of Biogr.*, art. ACHELOUS). Later mythologists combined the two tales, and tried to explain how the horn of Amaltheia became the horn of Achelous (Apollod. ii. 7, § 5). The origin of this symbol may perhaps be traced in the use of the horns of oxen or goats as drinking-cups; hence the *ῥυτόν*, or drinking-horn, which is frequently confounded with the horn of abundance. (Athen. xi. pp. 468 d, 497 c.)

Fortuna holding cornucopia. (Bronze in the British Museum.)

The cornucopia constantly appears in works of art, especially of the Roman period, as the

symbol of abundance. It is associated with various divinities, as in the preceding statue of the goddess Fortuna. It appears on the Greek coins of the Ptolemies, kings of Egypt. The accompanying specimen is a coin of Arsinoë, daughter of Ptolemy I., the reverse of which contains a double cornucopia filled with various fruits. (Cf. Athen. xi. p. 497 c.) On

Coin of Arsinoë, with cornucopia.

the coins of the Roman emperors the cornucopia occurs still more frequently. (Böttiger, *Amalthea;* Daremberg and Saglio, *s. v.;* Roscher, *Lexik. d. Gr. u. Röm. Myth.* p. 927.) [W. S.]

COROLLA. [CORONA.]

CORO'NA (*στέφανος*), a crown; that is, a circular ornament of metal, leaves, or flowers, worn by the ancients round the head or neck, and used as a festive as well as funeral decoration, and as a reward of talent, military or naval prowess, and civil worth. It includes the synonyms, for which it is often used absolutely, *στεφάνη, στέφος, στεφάνωμα, corolla, sertum,* a garland or wreath.

The use of crowns on public and private occasions was so general in antiquity, that there was a special literature on the subject, of which we have remains in Theophrastus (*Hist. Pl.* vi. 6), Athenaeus (lib. xv.), Pliny (*H. N.* xxi. §§ 1–70, xxii. §§ 4–13), and Pollux (vi. 106–7). At Rome Claudius Saturninus wrote a book *De Coronis* (Tertull. *de Cor. Mil.* 7, 10, 12). We shall first briefly describe the materials of which crowns were made, and then mention the principal public and private occasions when they were used.

I. MATERIALS OF CROWNS.—Crowns originally consisted of wool or the foliage of trees, especially myrtle-twigs or ivy, with which flowers of various kinds were subsequently interwoven. The makers and sellers of these garlands or crowns formed a distinct trade, and were called in Greece *στεφανηπλόκοι* or *στεφανοποιοί*

Coronarii, or makers of garlands. (Museo Borbonico.)

(Theophr. *Hist. Pl.* vi. 1; Plut. *Quaest. Conv.* iii. 1, 2), and in Rome *coronarii* (Plin. xxi. §§ 54, 177; Fronto, *ad M. Caes.* 2, 1). In ancient works of art we find frequent representations of the making of crowns and garlands, as in the preceding drawing from a picture at Pompeii. The flowers used for making crowns and garlands were named *στεφανώματα* (Theophr. *l. c.*; Athen. xv. p. 672, a, f; Hesych.) and *coronamenta* (Cat. *R. R.* 8; Plin. xxi. § 53, xxii. § 53). The foliage and flowers were sometimes fastened together by the inner bark of the linden-tree, whence such garlands were called by the Romans *coronae sutiles.* (Plin. xvi. § 65, xxi. § 11; Ov. *Fast.* v. 335, 337; Mart. v. 65, 4, ix. 90, 6; ix. 93, 5.) Such crowns were also called *nexae* and *sertae* (Mart. xiii. 51; Lucan. x. 164). At Athens the place in the market where crowns were sold was called *αἱ μυρρίναι* (Aristoph. *Thesm.* 448, cf. 457), because the myrtle was the most common material for making them. Many of the flower-girls were celebrated in antiquity, especially Glycera of Sicyon, the mistress of Pausias (Plin. xxi. § 4; xxxv. § 125). At Rome the temple of the Lares at the head of the Sacra Via was a place much frequented for the sale of flower-garlands. (Ov. *Fast.* vi. 783; Becker-Göll, *Gallus,* iii. p. 453.) Among the Romans crowns were frequently made of the leaves of plants (without an intermixture of flowers), especially the ivy (*hedera,* Hor. *Carm.* iv. 11, 4; Plin. xvi. §§ 147, 155; xxi. §§ 52, 55), the myrtle (*myrtus,* Cat. *R. R.* 8, 2; Hor. *Carm.* i. 4, 9; ii. 7, 25; Ov. *Fast.* iv. 869), and parsley (*apium,* Hor. *Carm.* i. 36, 16; ii. 7, 24; iv. 11, 3). Pliny says (xxi. § 14), "paucissima nostri genera coronamentorum intra hortensia novere, ac paene violas rosasque tantum." Of the various flowers used for crowns the violet was a favourite at Athens, whence *ἰοστέφανος,* "violet-crowned," is an epithet of Athens (Pind. *Fragm.* 40; Aristoph. *Eq.* 1323; *Ach.* 637). The hyacinth and the lily were also used for crowns (Theocr. x. 28; Hor. *Carm.* i. 36, 16; Ov. *Am.* ii. 5, 37). But the most popular flower for crowns both in Greece and Rome was the rose, called the king of flowers (Achill. Tat. ii. 1), and the rose of the Loves (*τὸ ῥόδον τὸ τῶν Ἐρώτων,* Anacr. 5), whence Demos in Aristophanes (*Eq.* 966) is said to have been crowned with roses. They were especially used for convivial crowns (Hor. *Carm.* i. 36, 15; i. 38, 3; ii. 3, 14; ii. 11, 14; iii. 15, 15; iii. 29, 3; Ov. *Fast.* iv. 870). Garlands of roses were in so much request in Rome that they were used in winter (Sen. *Ep.* 122, 8). With this object they were grown under glass (Mart. iv. 22, 5; xiii. 127), and were imported from Egypt (Mart. vi. 80). As luxury increased the leaves of the *nardus* or spikenard, brought from India, were used for crowns, with which roses were also intertwined (Plin. xxi. § 11; Lucan. x. 164; Mart. xiii. 51).

Garlands were also made of dried flowers, especially of amaranth, which, when moistened, retained the appearance of fresh flowers, and were called *hibernae coronae* (Plin. xxi. § 47). The same name was given to crowns made of artificial flowers (Plin. xxi. § 5). Sometimes they were made of a thin layer of metal, covered with gold or silver, and called by the Romans *corollae* or *corollaria inaurata* or *inargentata* (Plin. xxi. § 5; cf. Varr. *L. L.* v.

178; Blümner, *Techn. u. Term. d. Gewerbe u. Künste*, i. p. 304 *seq.*). But crowns of pure gold were frequent among the Greeks as honorary distinctions. (See below.) Crowns of silver were less common, but are mentioned by Pliny (*H. N.* xxi. § 6). Crowns of gold have been found in tombs in Etruria and the Crimea, of which the following specimen found in a tomb at Armento in Southern Italy, and now preserved in the museum at Munich, is one of the most remarkable. It is composed of branches of oak, intertwined with garlands of flowers, while a statue is placed at the top, and winged figures amidst the foliage. It bears an inscription beneath the top figure. (Gerhard, *Antike Bildwerke*, i. x.) [CAELATURA, p. 326 *a*.]

Golden Crown. (Museum at Munich.)

The *Corona Etrusca* was made of pure gold in the form of leaves, sometimes set with gems, and terminating in ribbons (*lemnisci*) of the same metal. It was held by a slave over the head of a general when he entered Rome in triumph (Plin. xxxiii. § 11; xxi. § 6; Juv. x. 41; Tertull. *de Cor. Mil.* 13). Crowns adorned with such pendent ribbons were called *Coronae lemniscatae* (Serv. *ad* Verg. *Aen.* v. 269, vi. 772). The lemnisci (λημνίσκοι) were first made of wool, adorned with ribbons (from λῆνος, wool, Fest. p. 155, M.), afterwards of linden-bast, and subsequently of gold. Crowns so adorned were the highest rewards of victors (Serv. *l. c.*; Plin. xvi. § 65), whence Cicero speaks of *palma lemniscata*, where *palma* means a victory or the highest reward (*Rosc. Am.* 35, 100; cf. Aus. *Ep.* xx. 5). Such crowns were also given as a distinction to guests at banquets, and on other occasions (Plaut. *Pseud.* v. 1, 23; Liv. xxxiii. 33, 2; Suet. *Ner.* 25).

Other epithets applied to crowns require a few words of explanation.

Coronae longae (Cic. *de Leg.* ii. 24, 60) resembled what we call festoons, and were employed to decorate the doors of houses, temples, amphitheatres, &c. (Ov. *Fast.* iv. 738). Hence we read in Juvenal (vi. 51) *necte coronam postibus*, in Ovid (*Met.* iv. 759) *sertaque dependent tectis*, and in Lucan (ii. 354) *festa coronato non pendent limine serta*.

Corona pactilis (Plin. xxi. § 11), probably the same as the *corona plectilis* of Plautus (*Bacch.* i. 1, 37), *corona torta* (Propert. iii. 20, 18; cf. *torta quercu*, "a twisted oak-crown," Verg. *Georg.* i. 349), *plexa* (Lucr. v. 1399; Catull. lxiv. 283), and as the στέφανοι πλεκτοὶ and κυλιστὸς στέφανος of the Greeks. It was made of flowers, shrubs, grass, ivy, wool, or any flexible material twined or twisted together, and therefore opposed to the *corona sutilis* described above (see p. 545 *b*).

Corona tonsa was made of leaves only, closely cut, as for instance of the olive (Verg. *Aen.* v. 556; *tonsae olivae*, *Georg.* iii. 21; Serv. *ad loc.*).

In ancient paintings females are frequently represented with crowns of flowers.

Females with Crowns. (Pict. Antiq. in *Crypt. Rom.* tav. 8.)

II. CROWNS AS REWARDS. — Judging from Homer's silence, crowns do not appear to have been adopted amongst the Greeks of the heroic ages as rewards of merit, or as festive decorations; for they are not mentioned amongst the luxuries of the delicate Phaeacians, or of the suitors. But crowns are mentioned in the Homeric Hymns (vi. 42, xxxii. 6) and by Hesiod (*Theog.* 576, though this passage is considered spurious by many critics). The Tragic poets, transferring the customs of their own days to the heroic age, frequently represent the heroes wearing crowns. At what time the wearing of crowns first came into use is uncertain. Some writers attribute their introduction as honorary rewards to the athletic games in which they were bestowed as prizes upon the victors; but in opposition to this view is the express testimony of Pausanias (x. 7, § 3), that in the second Pythiad the Amphictyons enacted that the reward in the contests should be simply a crown or chaplet instead of the material prizes which had been formerly given. It is more probable that crowns were of religious origin (see below), and were for this reason given to the victors in the public games as the highest distinction. In the Olympic games the prize was a crown of wild olive (κότινος, Paus. v. 7, § 4), in the Pythian a crown of laurel (δάφνη, Paus. x. 7, § 4), in the Nemean a crown of parsley (σέλινον, cf. Pind. *Nem.* vi. 71), and in the Isthmian a crown of pine-leaves (πίτυς), though crowns of other materials were at different periods also given at the Isthmian games (Plut. *Symp.* v. 3).

For details see the articles on these games, and Hermann, *Privatalterth.* § 50. Poets also were crowned both among the Greeks and Romans, and are so represented in works of art.

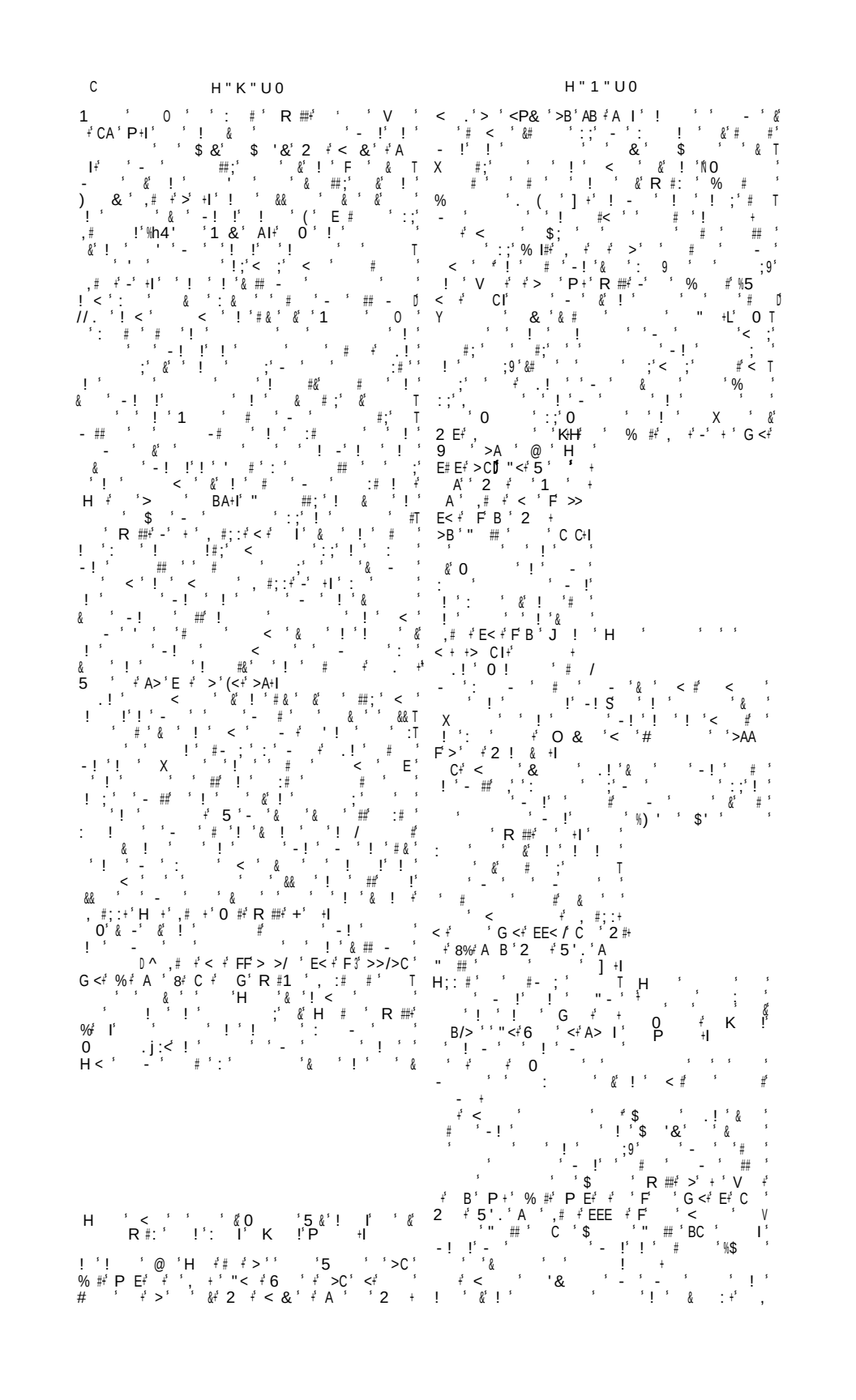
Homer crowned and enthroned. (Bartoli, *Admiranda*, tav. 81.)

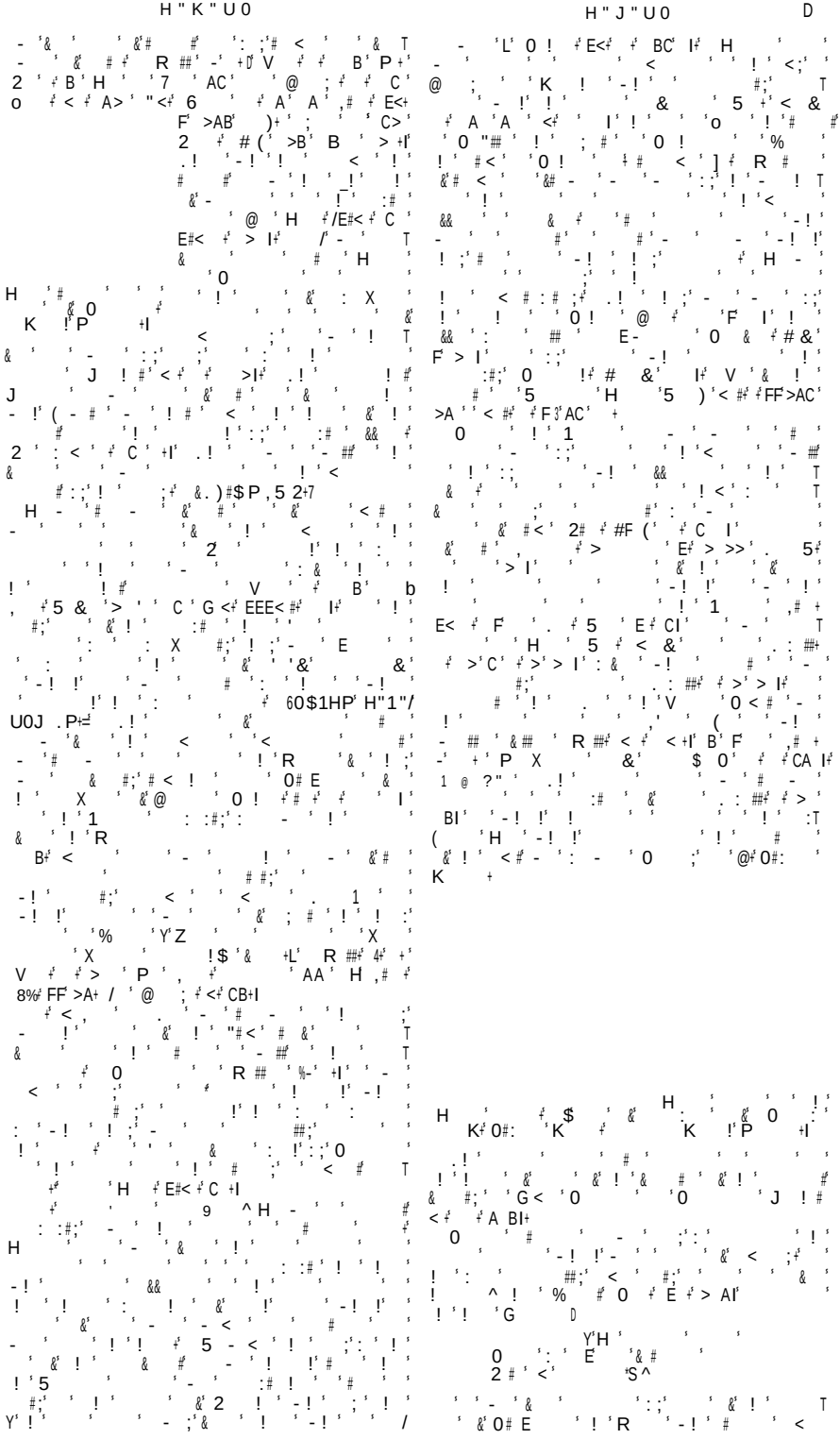
Crowns as rewards for public services are first mentioned in the time of the Persian wars. The Lacedaemonians gave to Eurybiades an olive crown as the prize of valour, and also to Themistocles a crown of the same material as the prize of wisdom and dexterity, when he had failed to obtain the prize at Athens (Herod. viii. 124). The Athenians also refused the crown as a prize to Miltiades and Aristides (Plut. *Cim.* 8; Aeschin. *c. Ctesiph.* § 45). They first granted it to Pericles (Val. Max. ii. 6, § 5); and next to Thrasybulus and the exiles who had seized Phyle, on their return to Athens (Aeschin. *c. Ctesiph.* § 50; Corn. Nep. *Thrasyb.* 4). The inhabitants of Scione crowned Brasidas with a golden crown as the liberator of Hellas (Thuc. iv. 120). Soon after the Peloponnesian war the Athenians substituted for the olive garland a crown of gold, and granted it for every trifling feat, whether civil, naval, or military. But, though such crowns were lavished without much discrimination as far as regards the character of the receiving parties, they were still subjected to certain legal restrictions in respect of the time, place, and mode in which they were conferred. They could only be presented in the public assemblies, and with the consent, that is by the suffrage, of the people, or by the senators in their council, or by the tribes to their own members, or by the δημόται to members of their own δῆμος. According to the statement of Aeschines, the people could not lawfully present crowns in any place except in their assembly, nor the senators except in the senate-house; nor, according to the same authority, in the theatre, which is, however, denied by Demosthenes; nor at the public games, and if any crier there proclaimed the crowns he was subject to ἀτιμία. Neither could any person holding an office receive a crown whilst he was ὑπεύθυνος, that is, before he had passed his accounts. But crowns were sometimes presented by foreign cities to particular citizens, which were termed στέφανοι ξενικοί, *coronae hospitales*. This, however, could not be done until the ambassadors from those cities had obtained permission from the people, and the party for whom the honour was intended had undergone a public investigation, in which the whole course of his life was submitted to a strict inquiry. Crowns were also given by one state to another. Demosthenes tells us that the inhabitants of Byzantium decreed a crown to the Athenian people in token of their gratitude, and also that the Chersonesites for a similar reason bestowed upon the senate and people of Athens a crown of gold of sixty talents. (See Aeschin. *c. Ctesiph.* and Dem. *de Coron.* passim.)

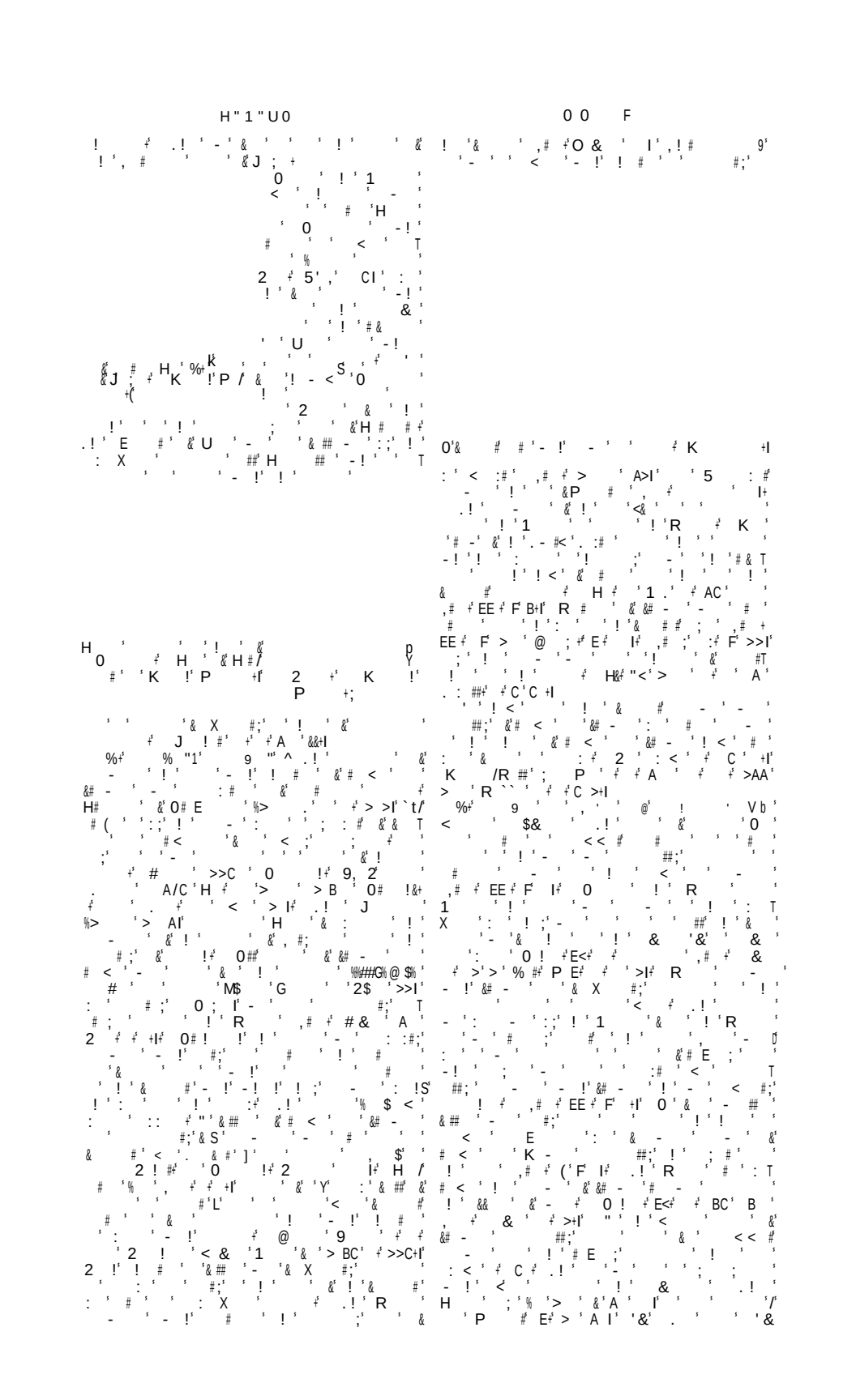
Among the Romans, in particular, honorary crowns of various kinds were among the *dona militaria*, which generals bestowed upon the soldiers, and with which soldiers honoured their generals. A full account of them is given by A. Gellius (v. 6), who, as well as Festus, derived his information from Varro. (Cf. Marquardt, *Röm. Staatsverw.* ii. p. 556.)

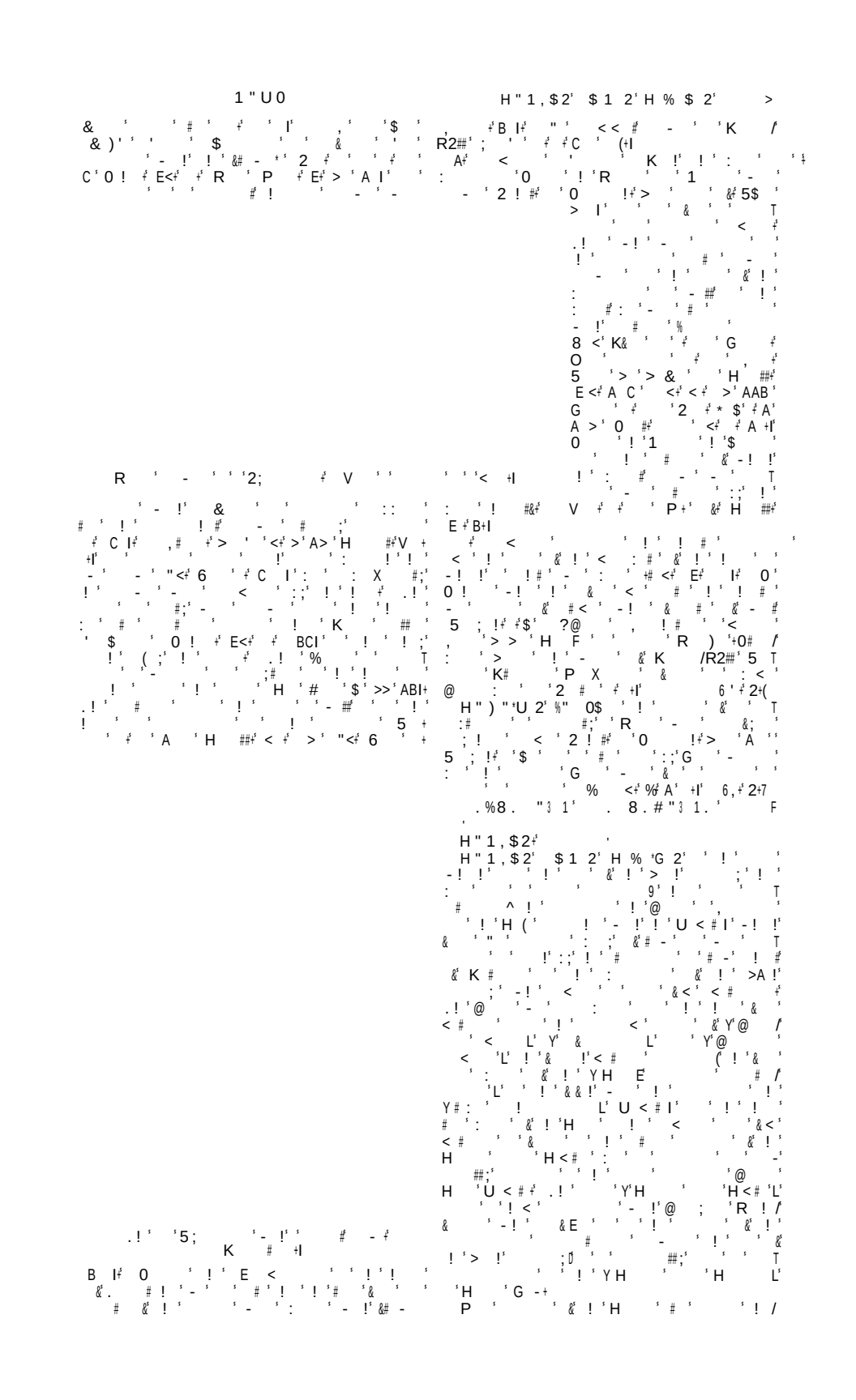
1. *Corona obsidionalis* or *graminea*. Among the honorary crowns bestowed by the Romans for military achievements, the most difficult of attainment, and the one which conferred the highest honour, was the *corona obsidionalis*, presented by a beleaguered army after its liberation to the general who broke up the siege. It was made of grass, or weeds and wild flowers (Plin. xxii. § 14), thence called *corona graminea* (Plin. xxii. § 7), and *graminea obsidionalis* (Liv. vii. 37), gathered from the spot on which the beleaguered army had been enclosed (Plin. *l. c.*; Gell. v. 6, ii. 11; Fest. pp. 97, 190, M.); in allusion to a custom of the early ages, in which the vanquished party in a contest of strength or agility plucked a handful of grass from the meadow where the struggle took place, and gave it to his opponent as a token of victory. (Gell. *l. c.*; Plin. xxii. § 8; Fest. *l. c.*; Serv. *ad* Verg. *Aen.* viii. 128.) A list of the few Romans who gained this honour is given by Pliny (xxii. §§ 9–13), who tells us that though it was properly given by the army, yet Q. Fabius Maximus received it from the senate and people, and Augustus from the senate.

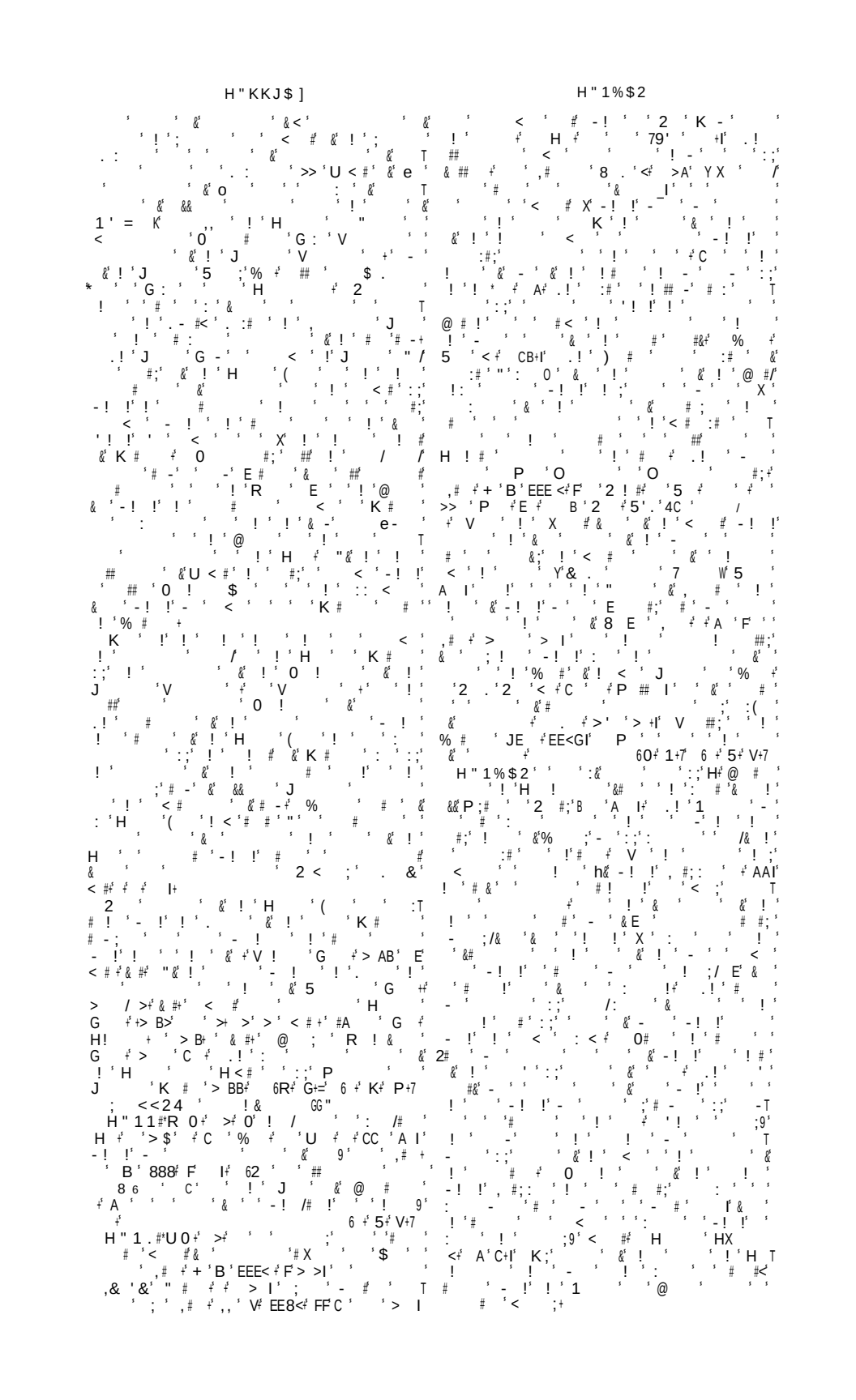
2. *Corona civica*, the second in honour and importance (Plin. xvi. §§ 7–14), was presented to the soldier who had preserved the life of a

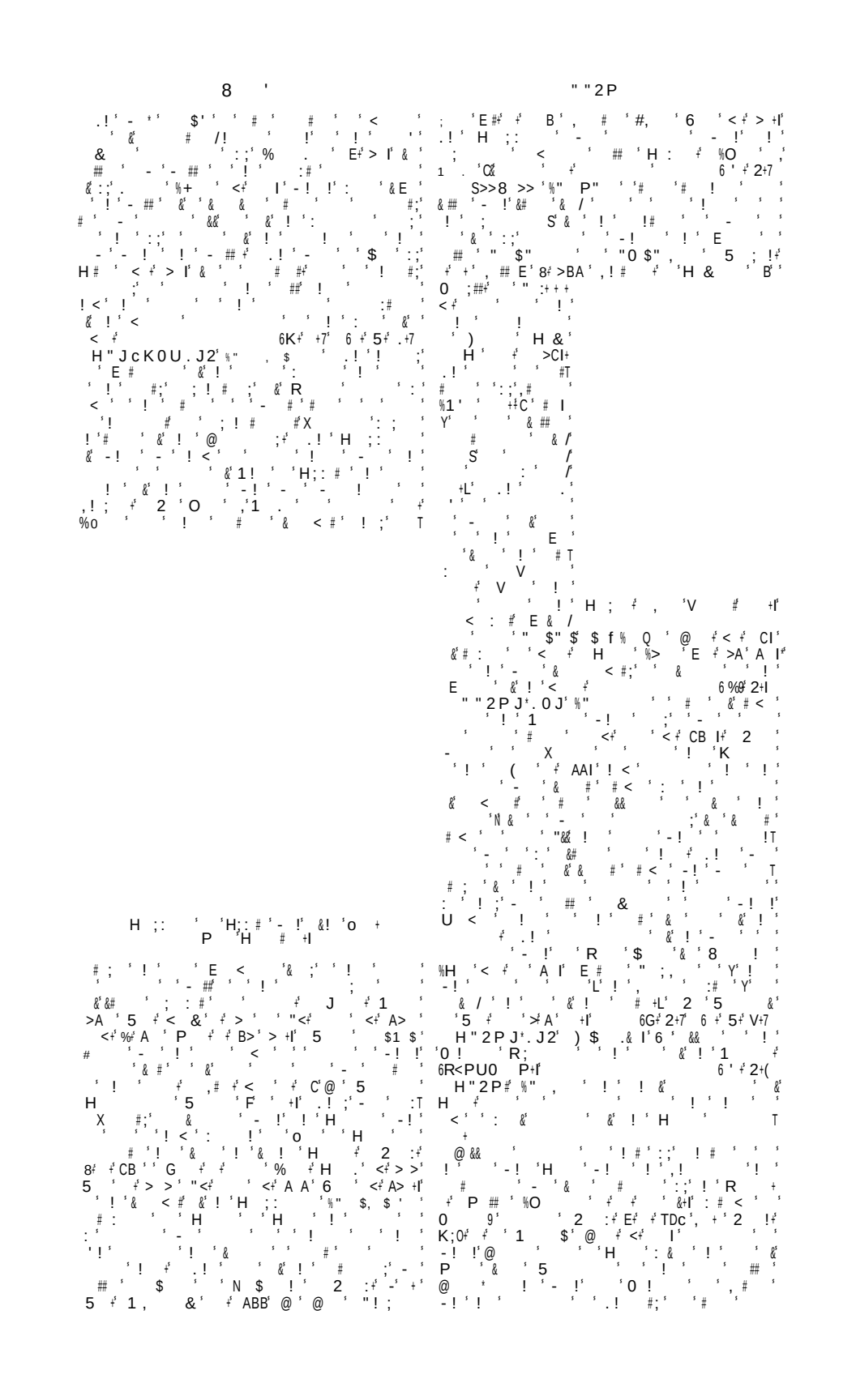


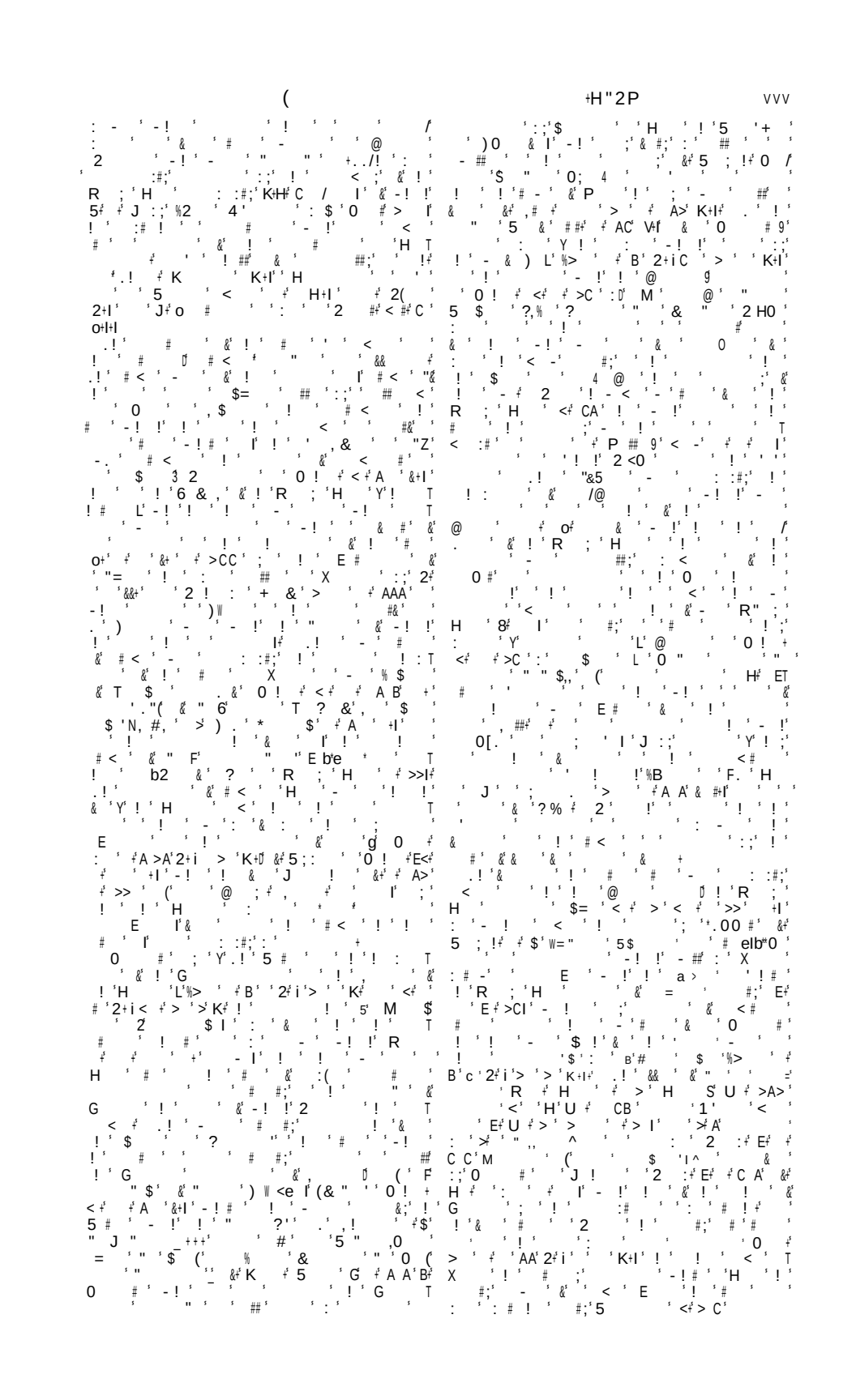


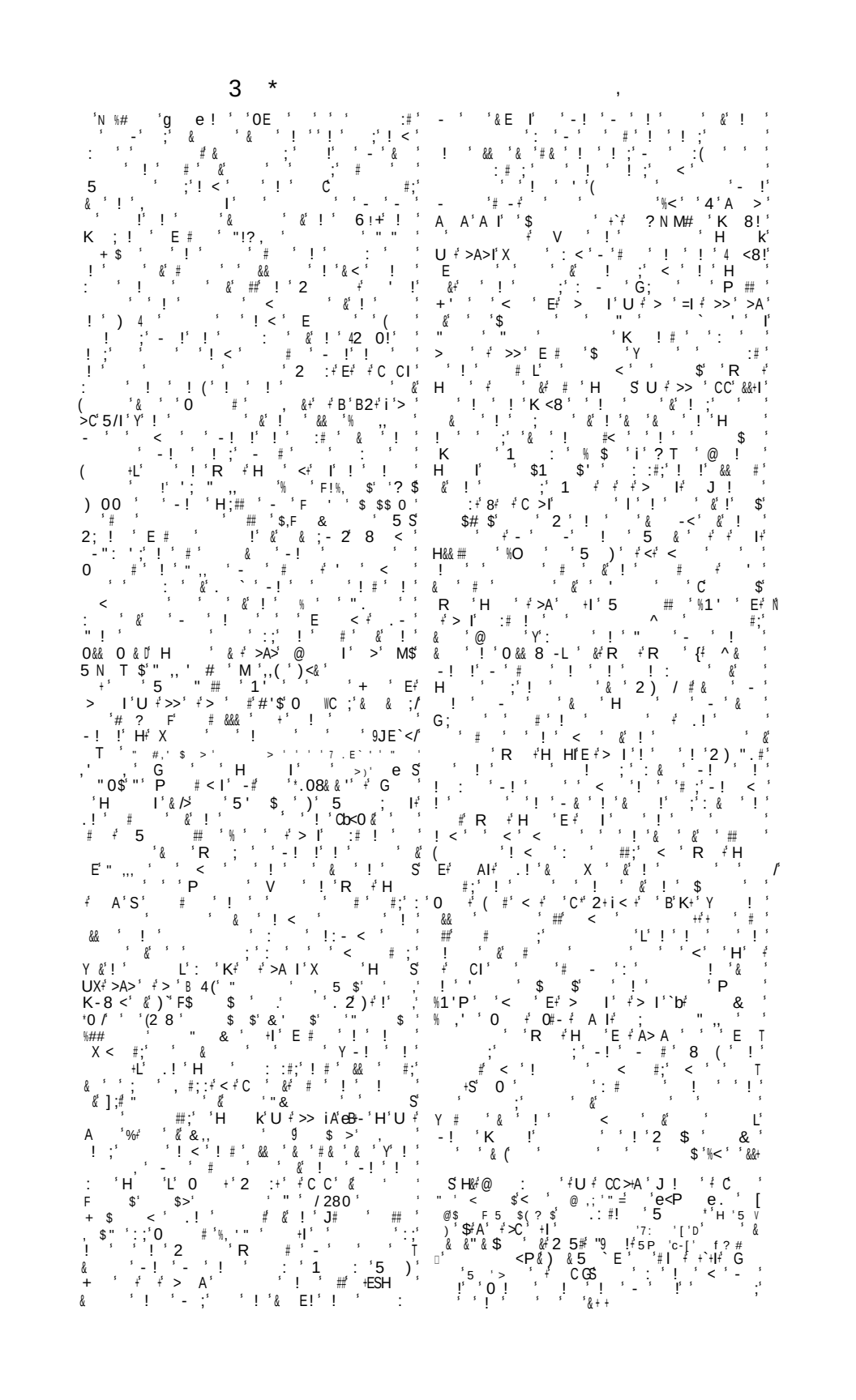


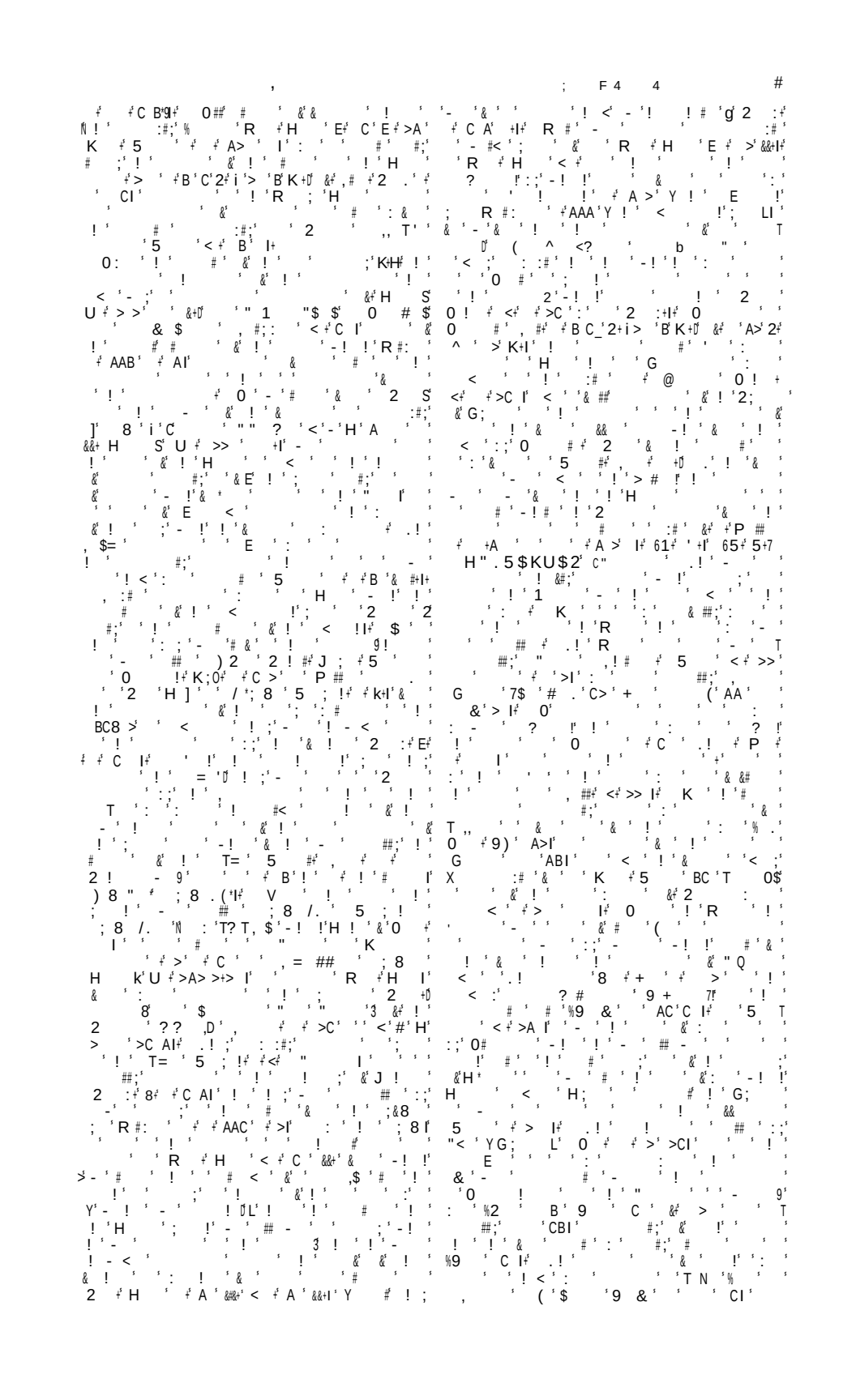


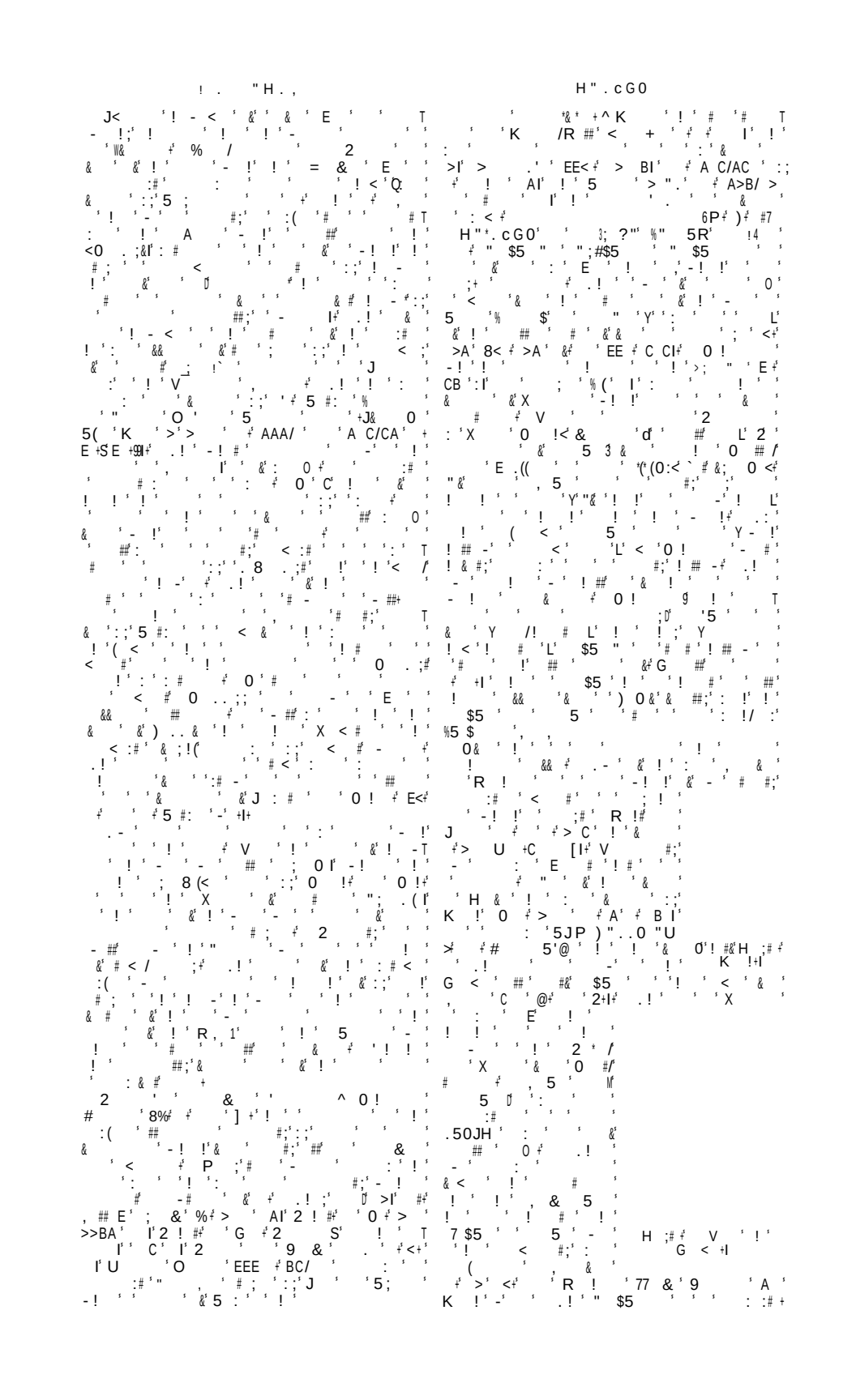


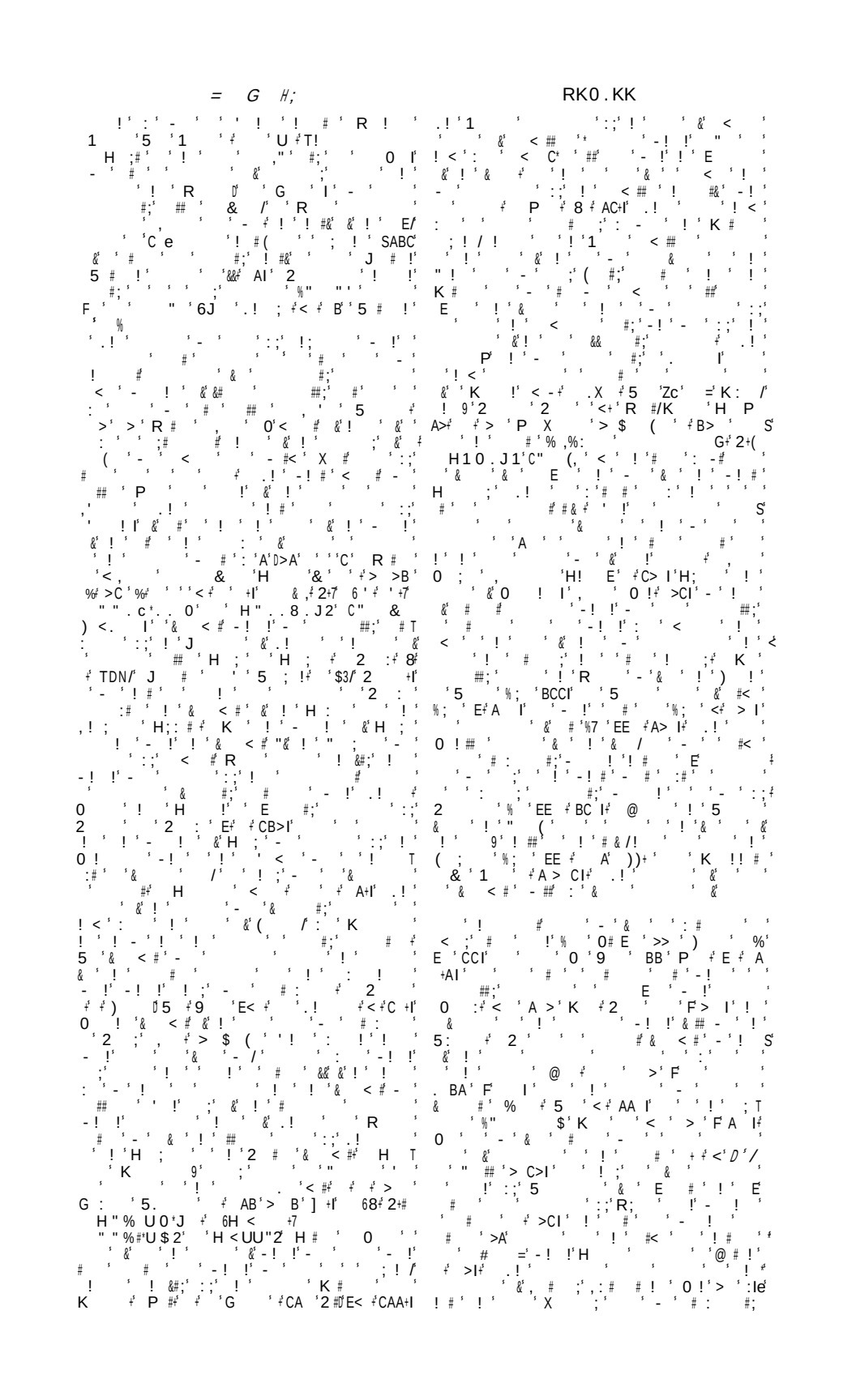


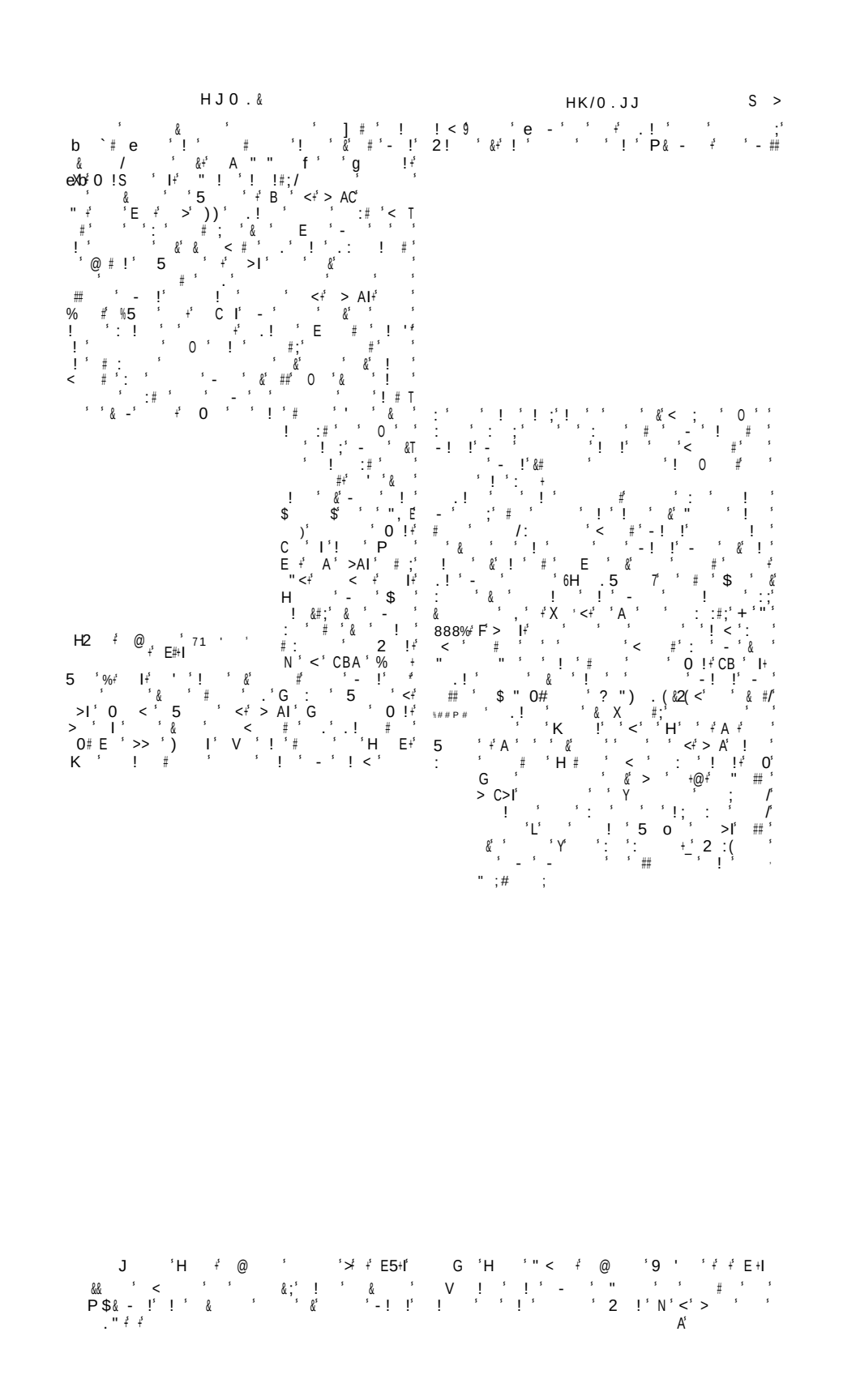


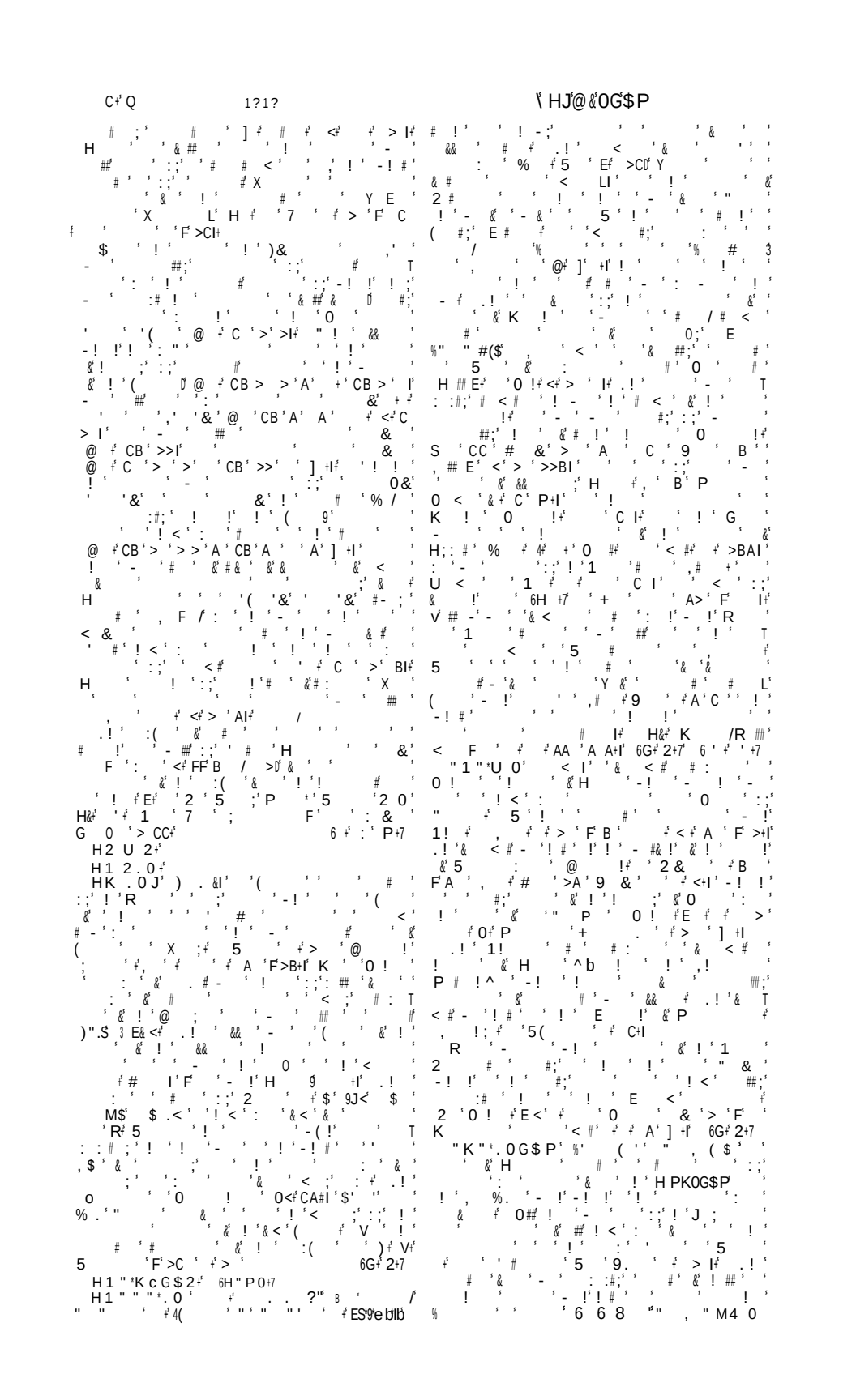












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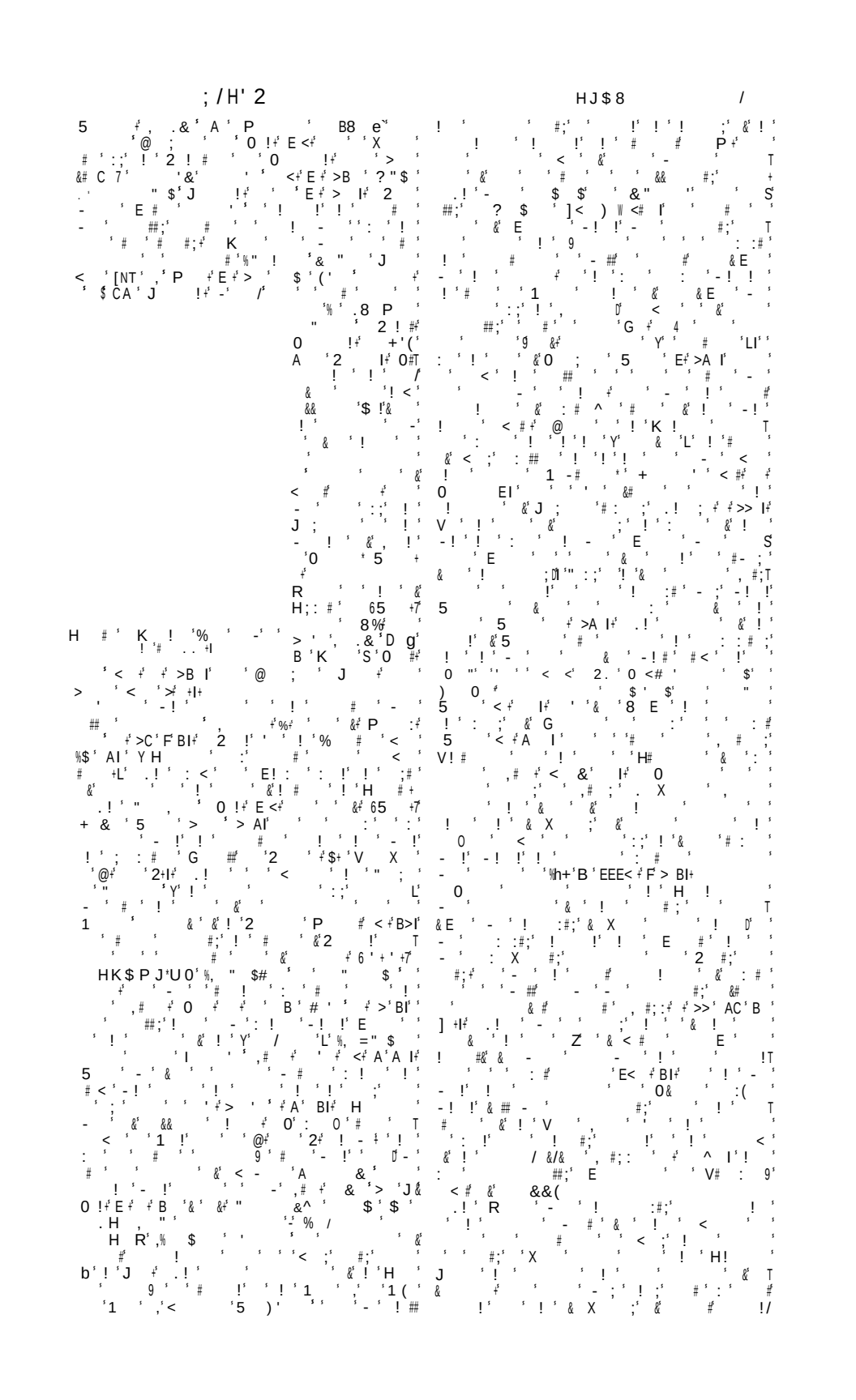

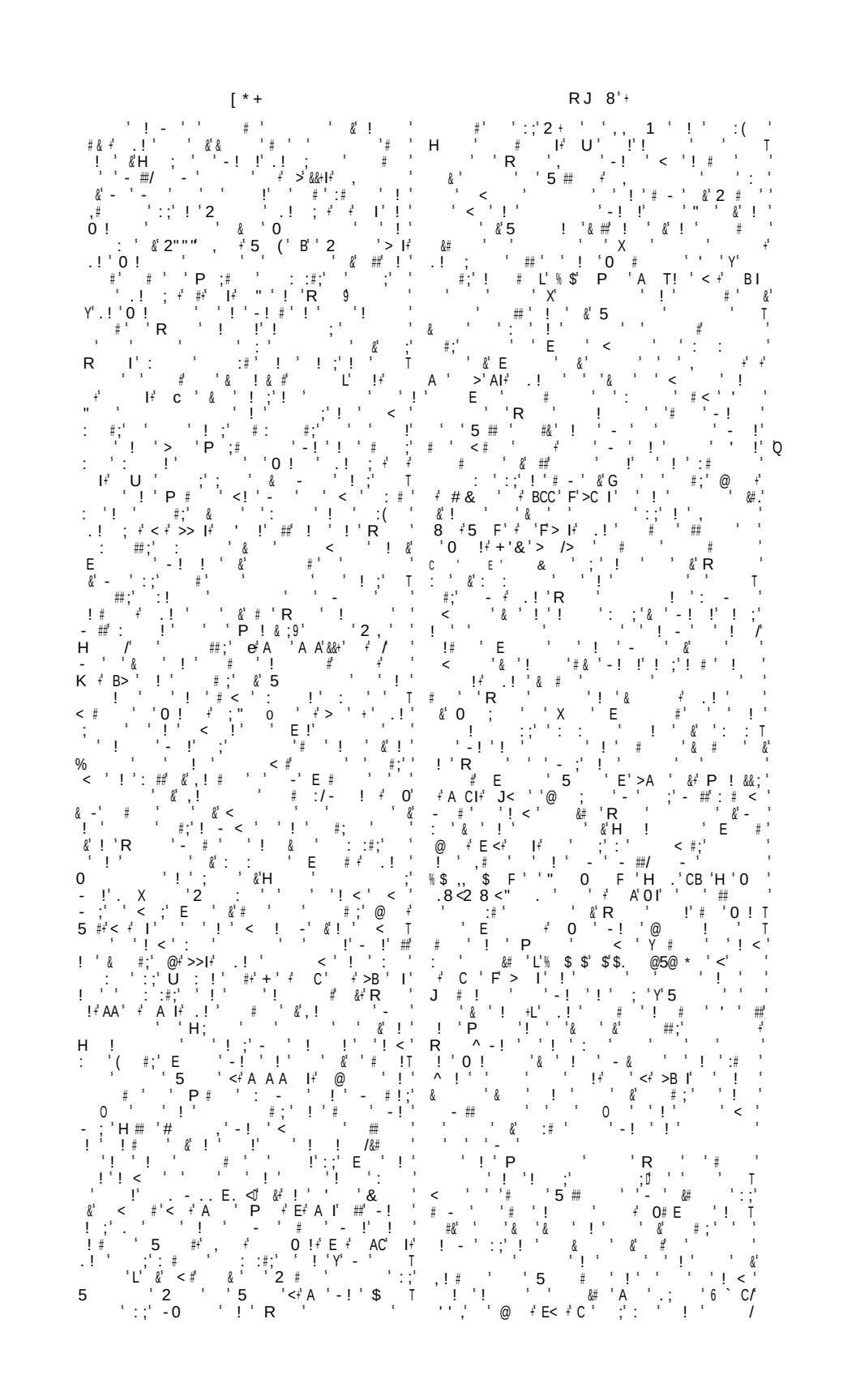

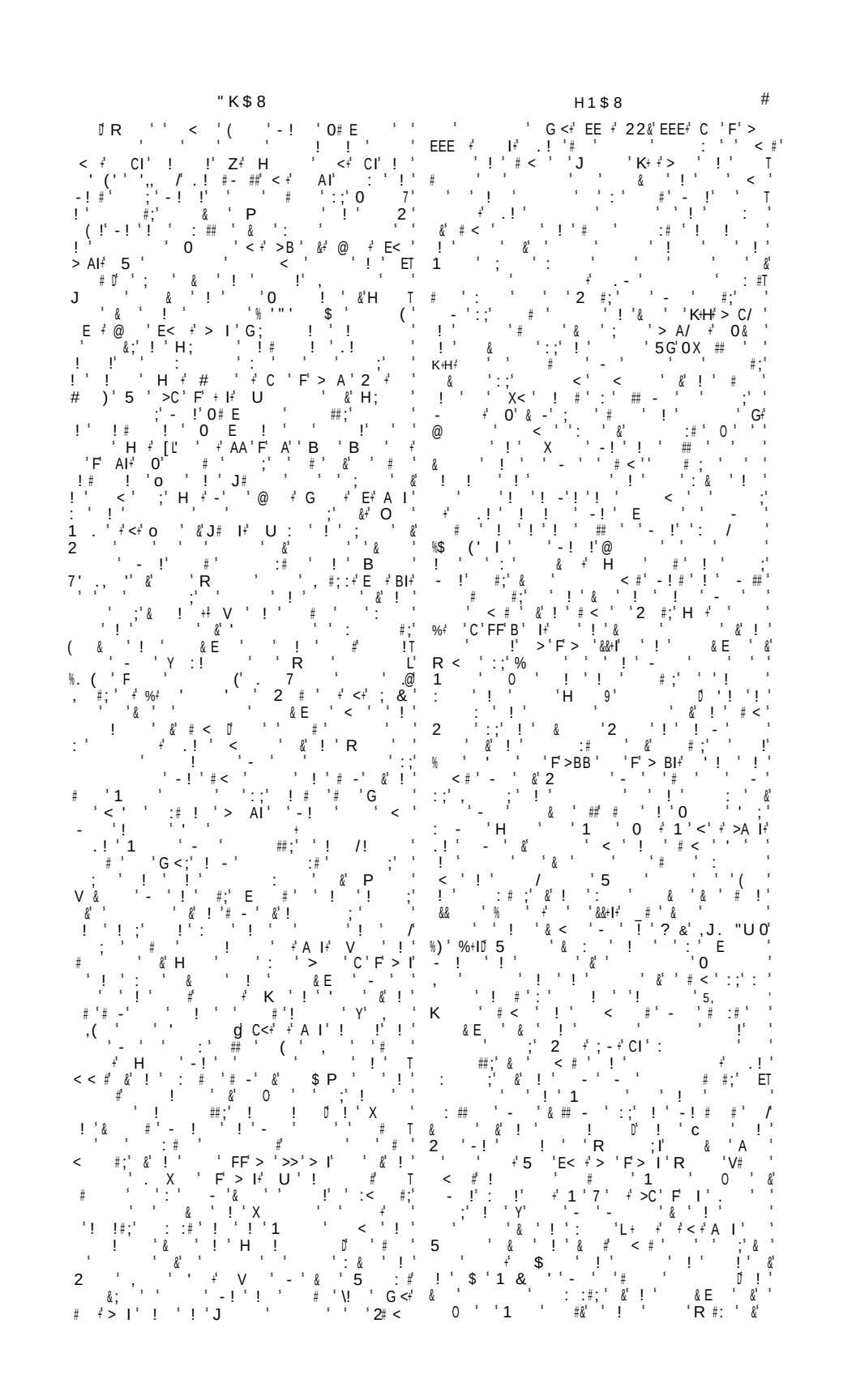

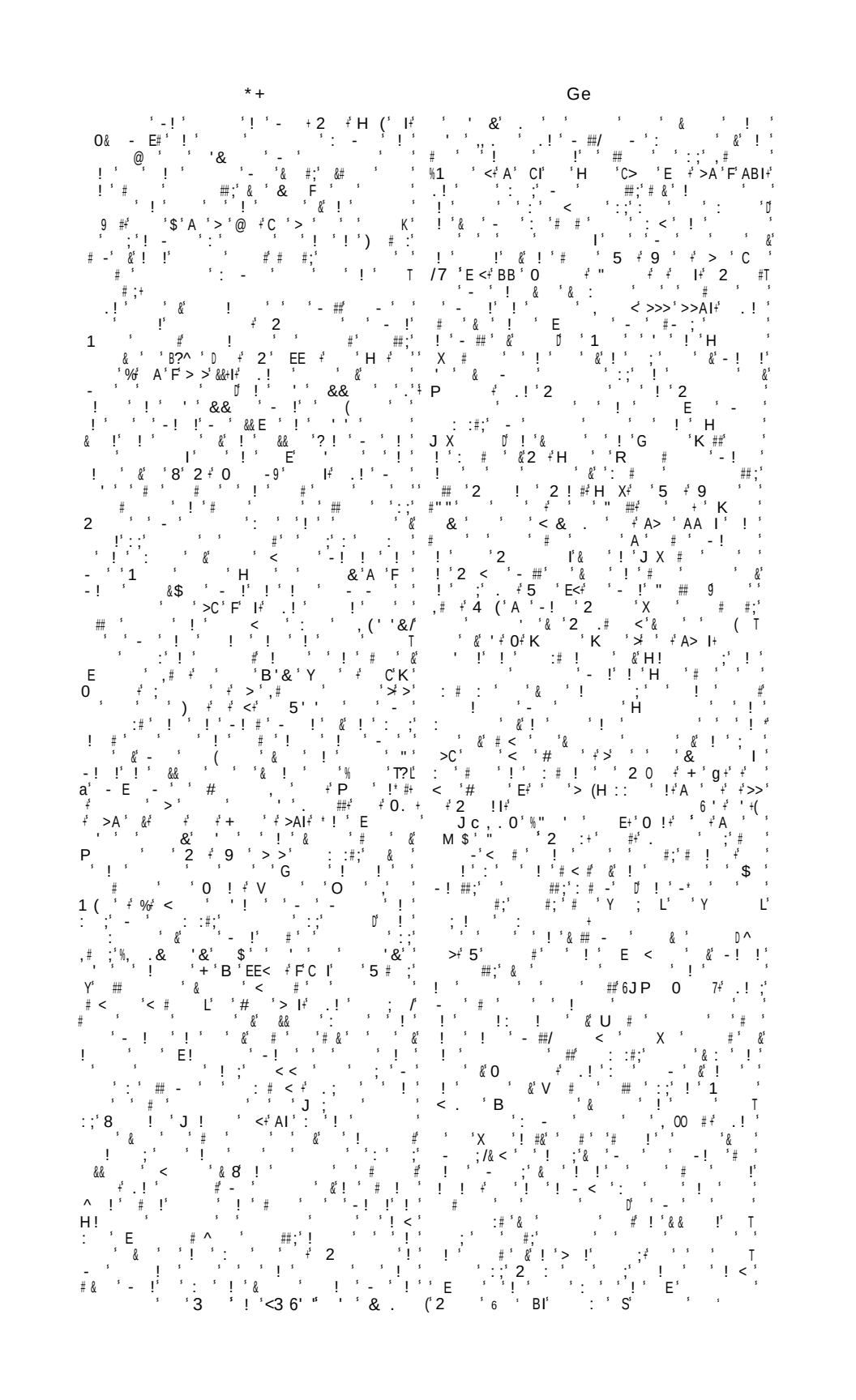

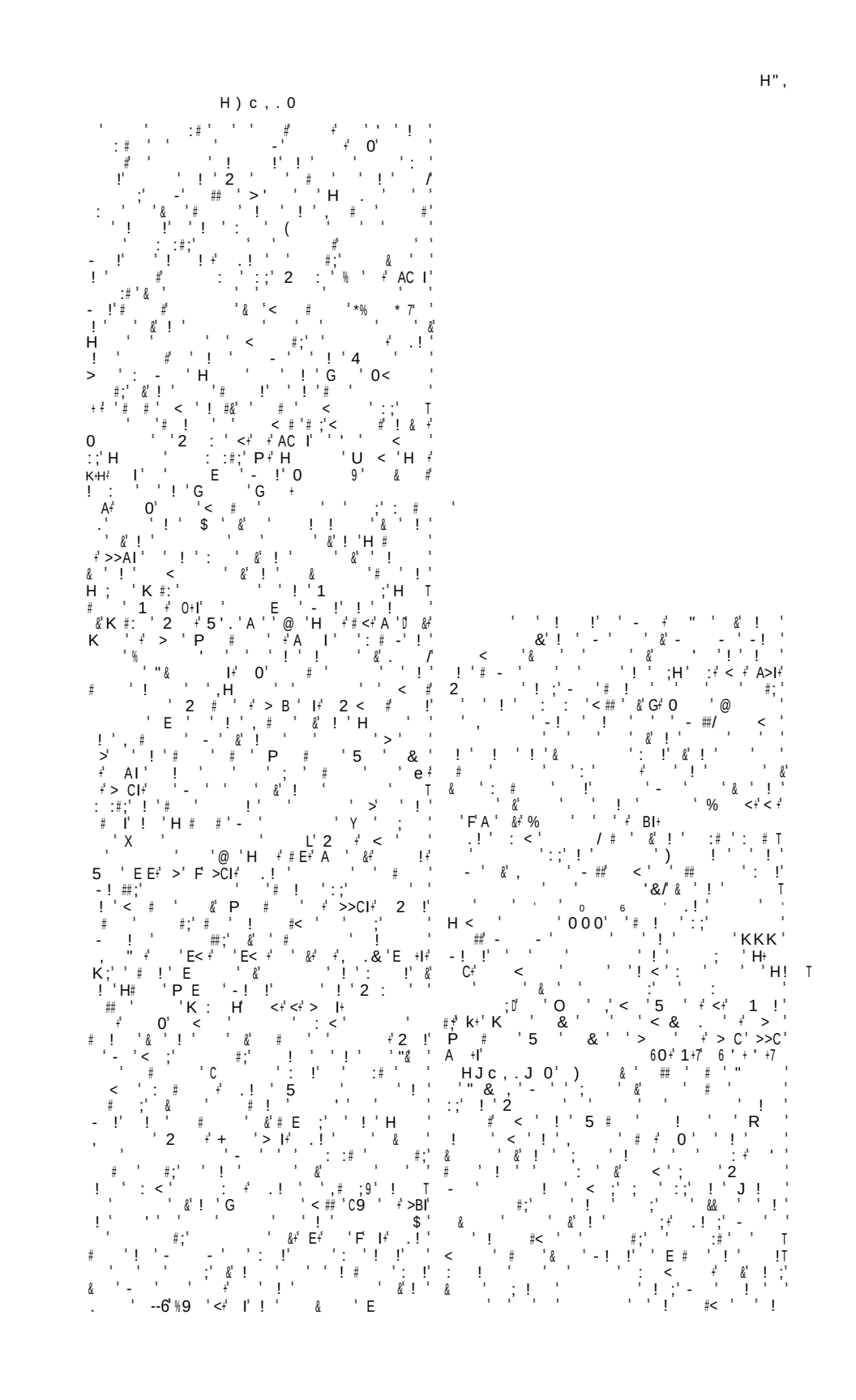

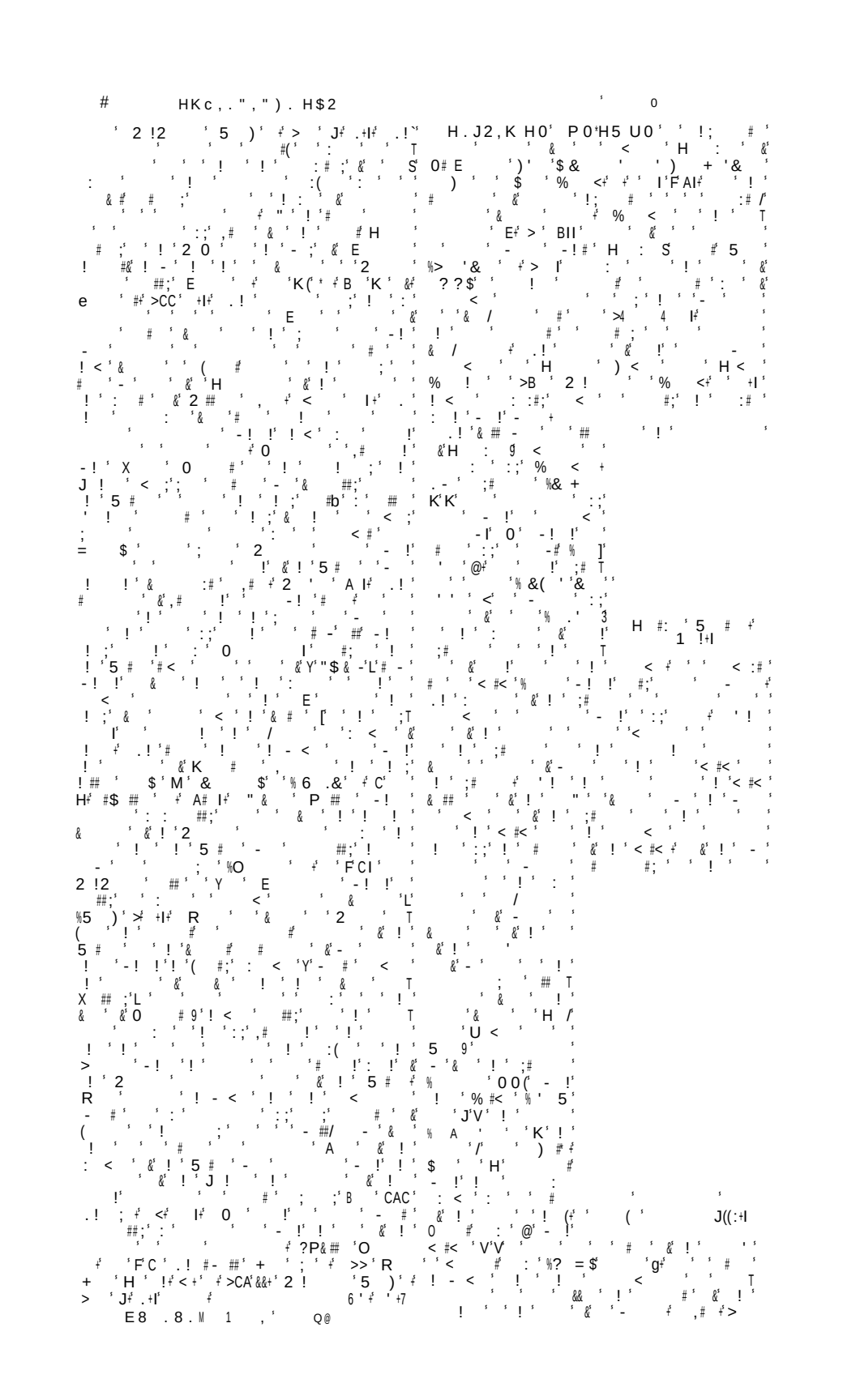

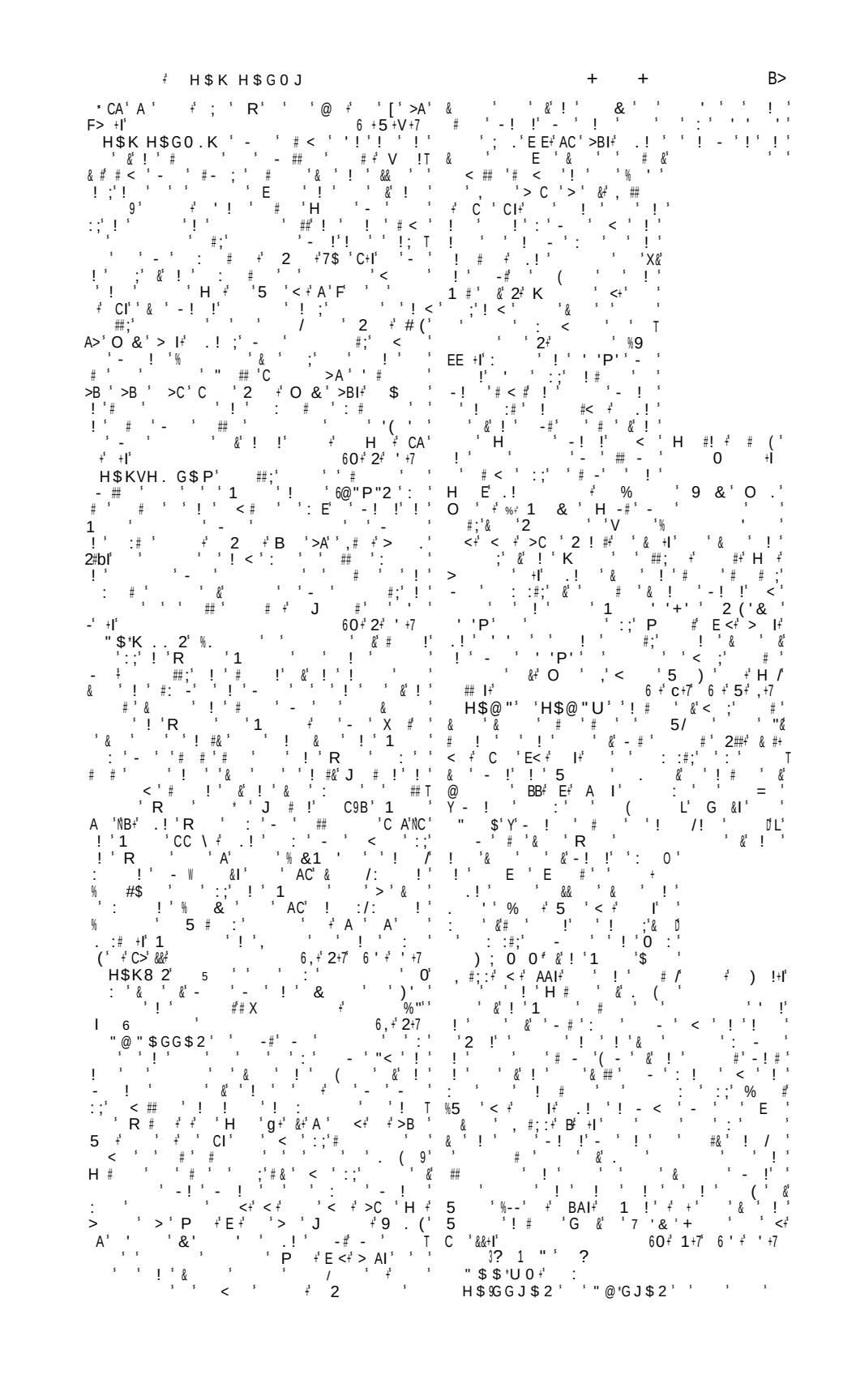

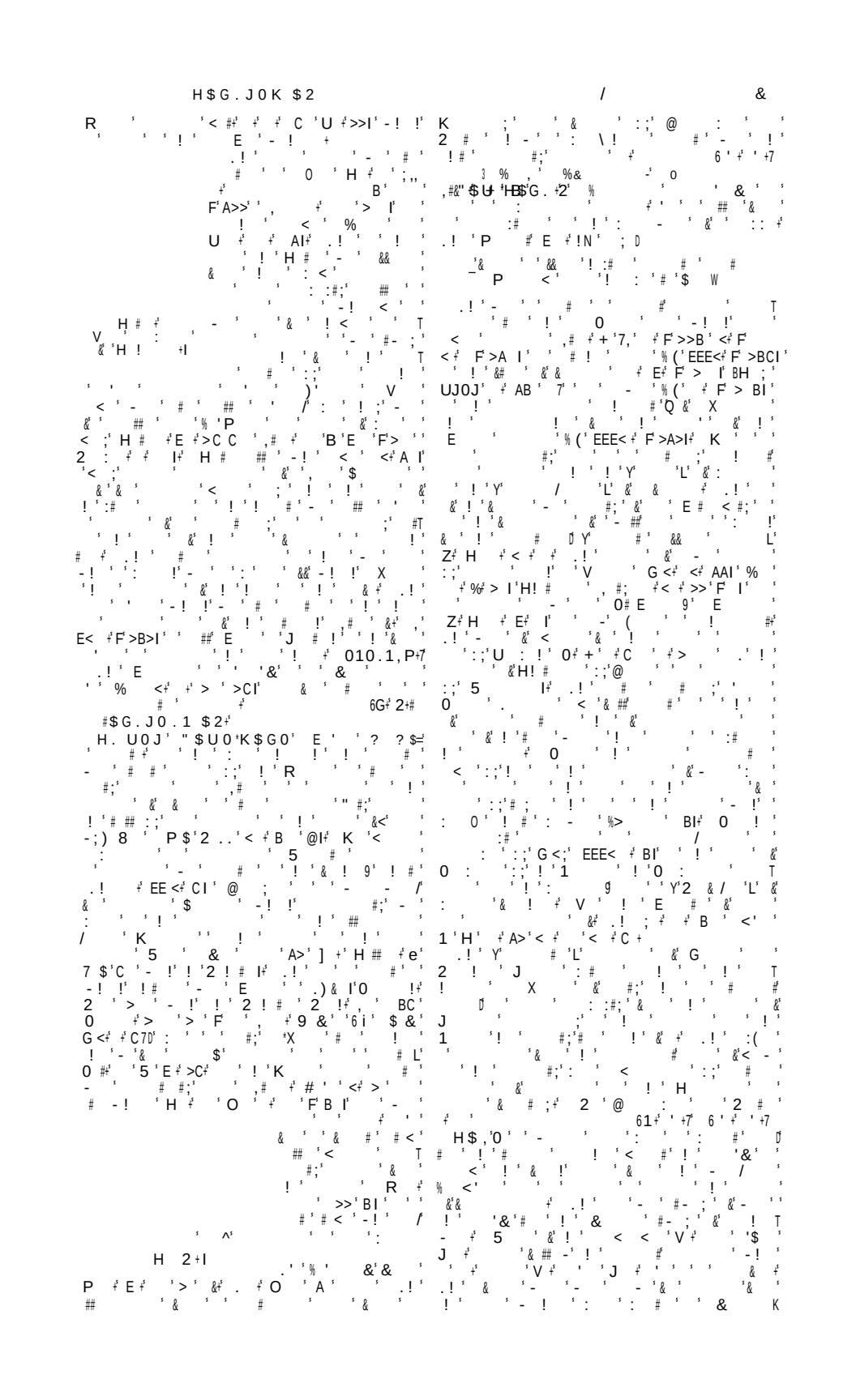

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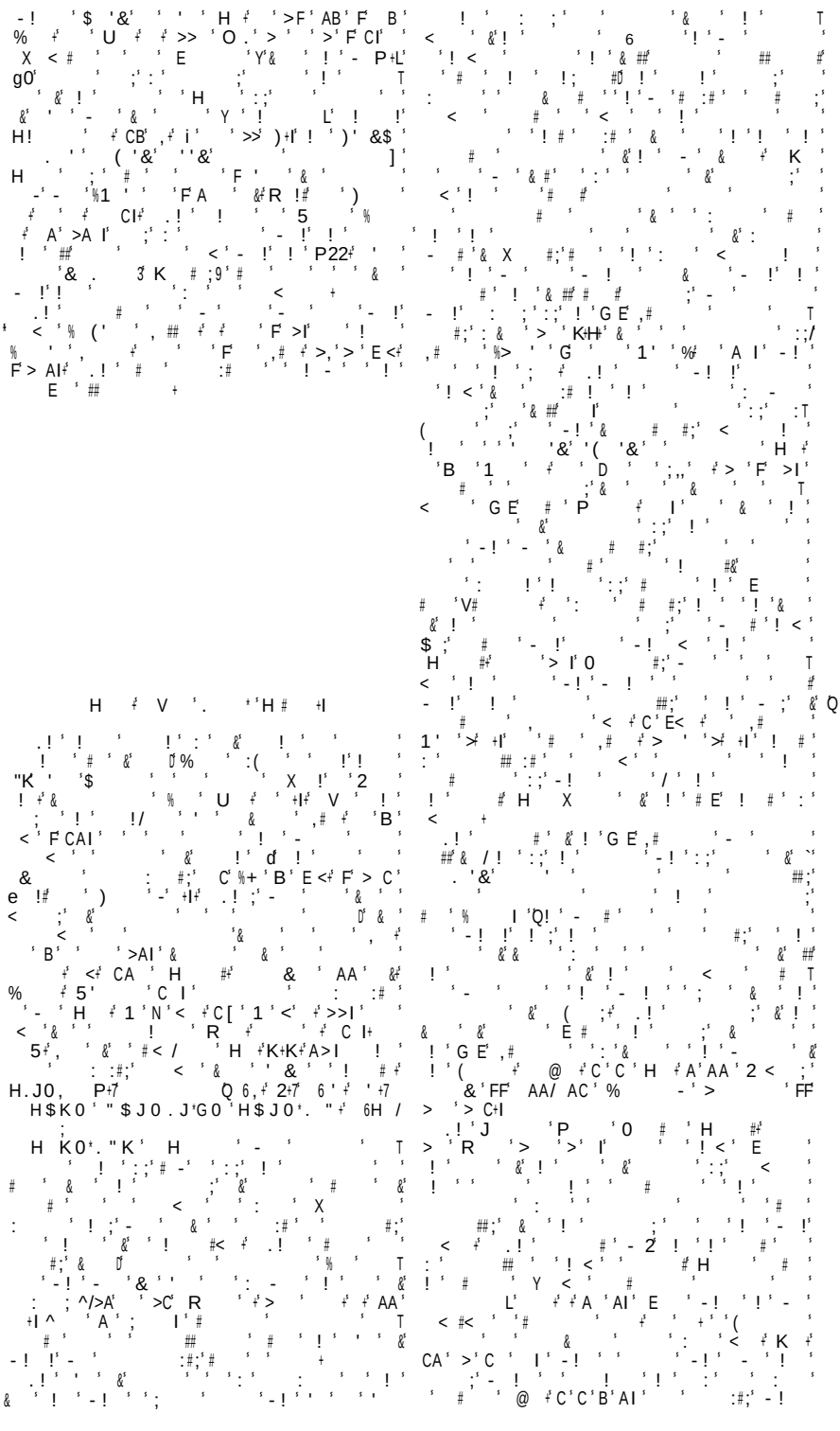

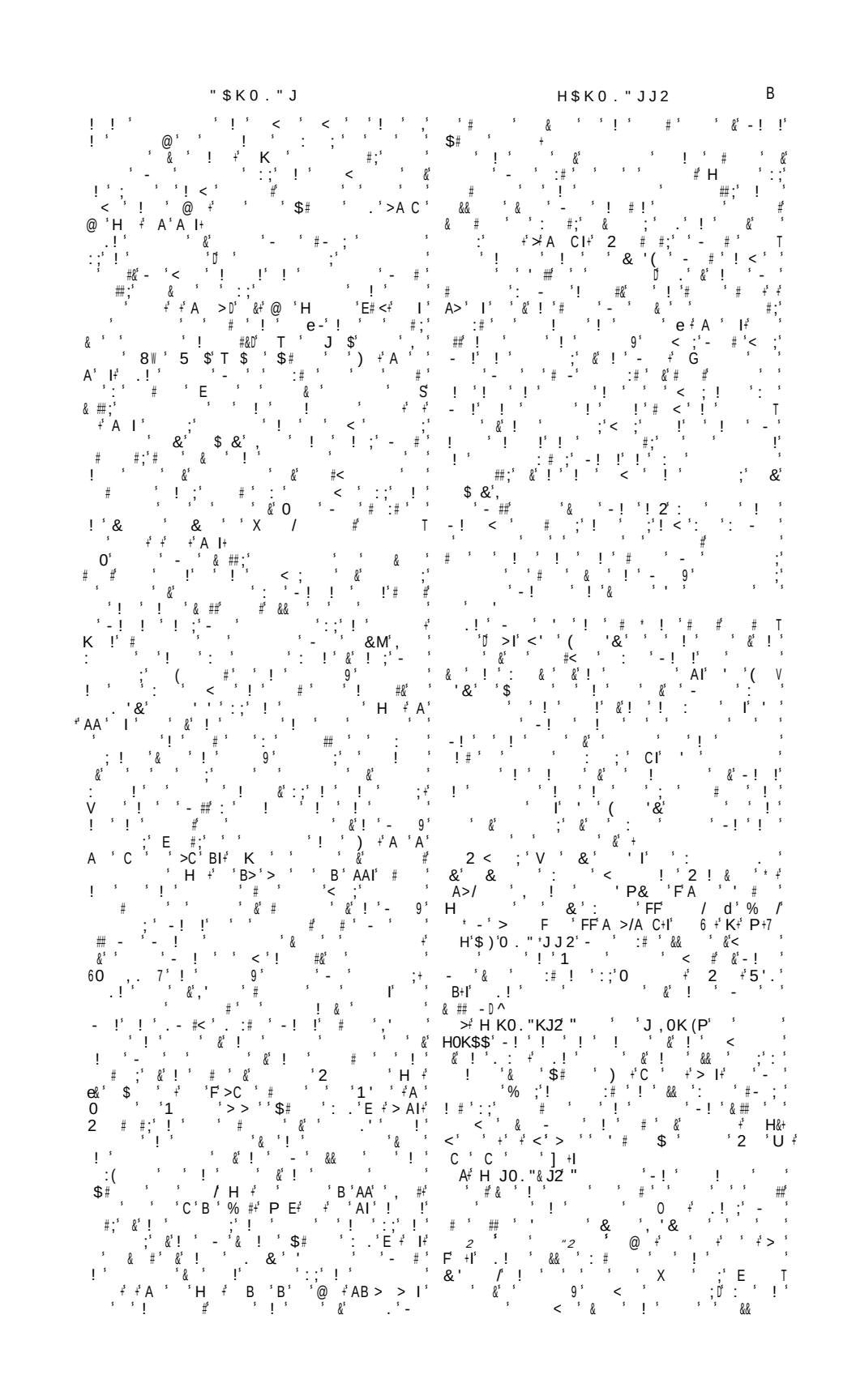

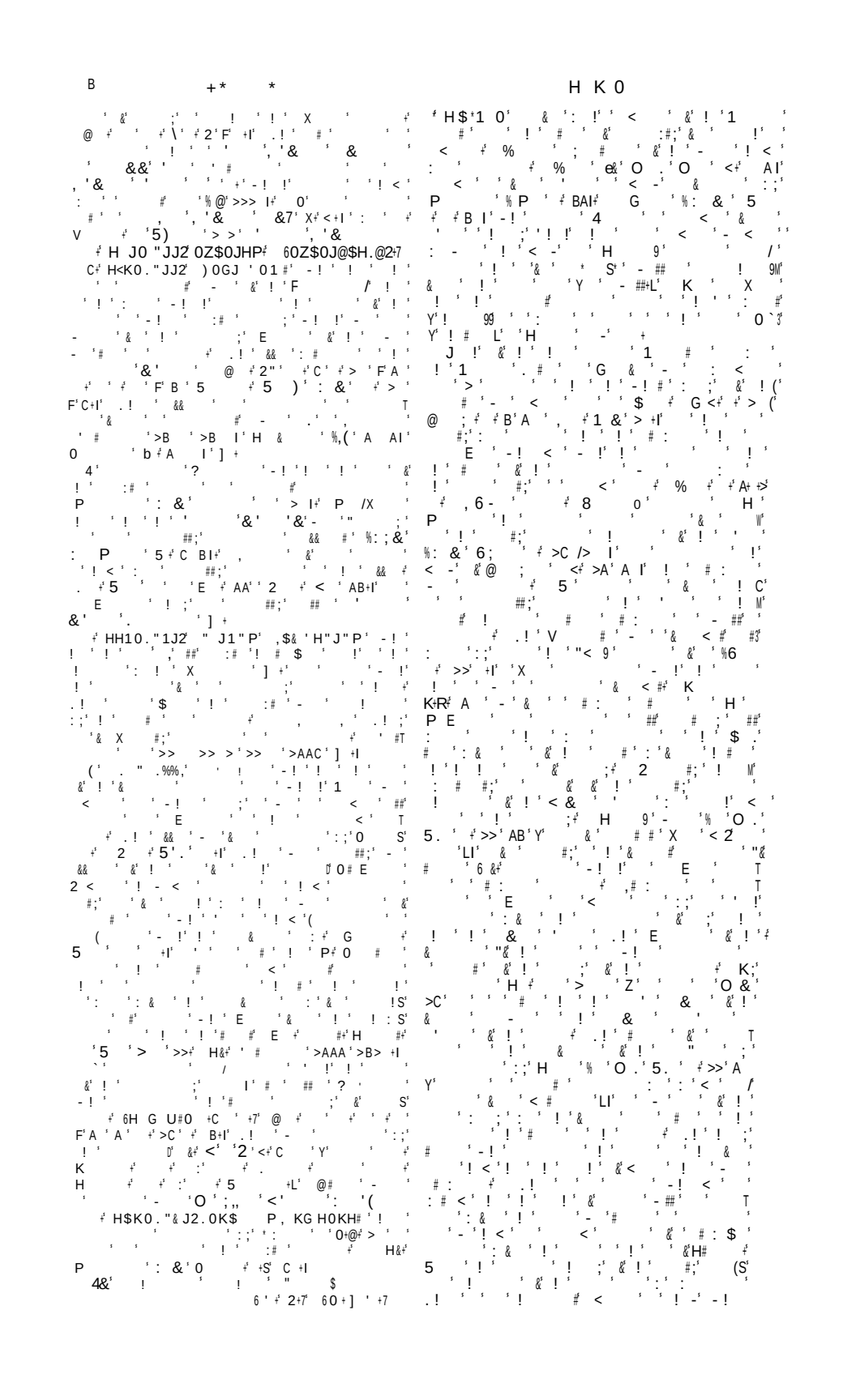

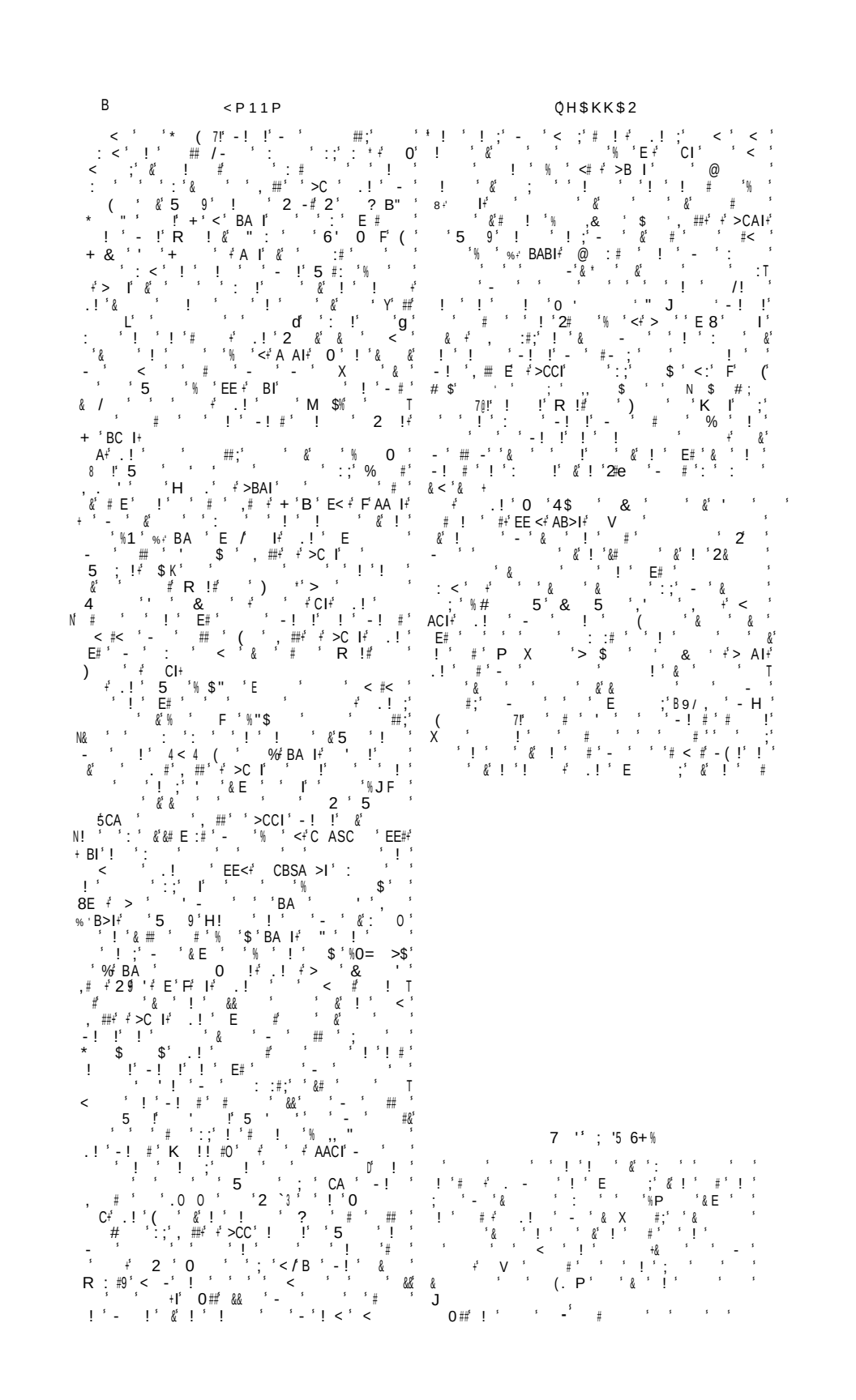

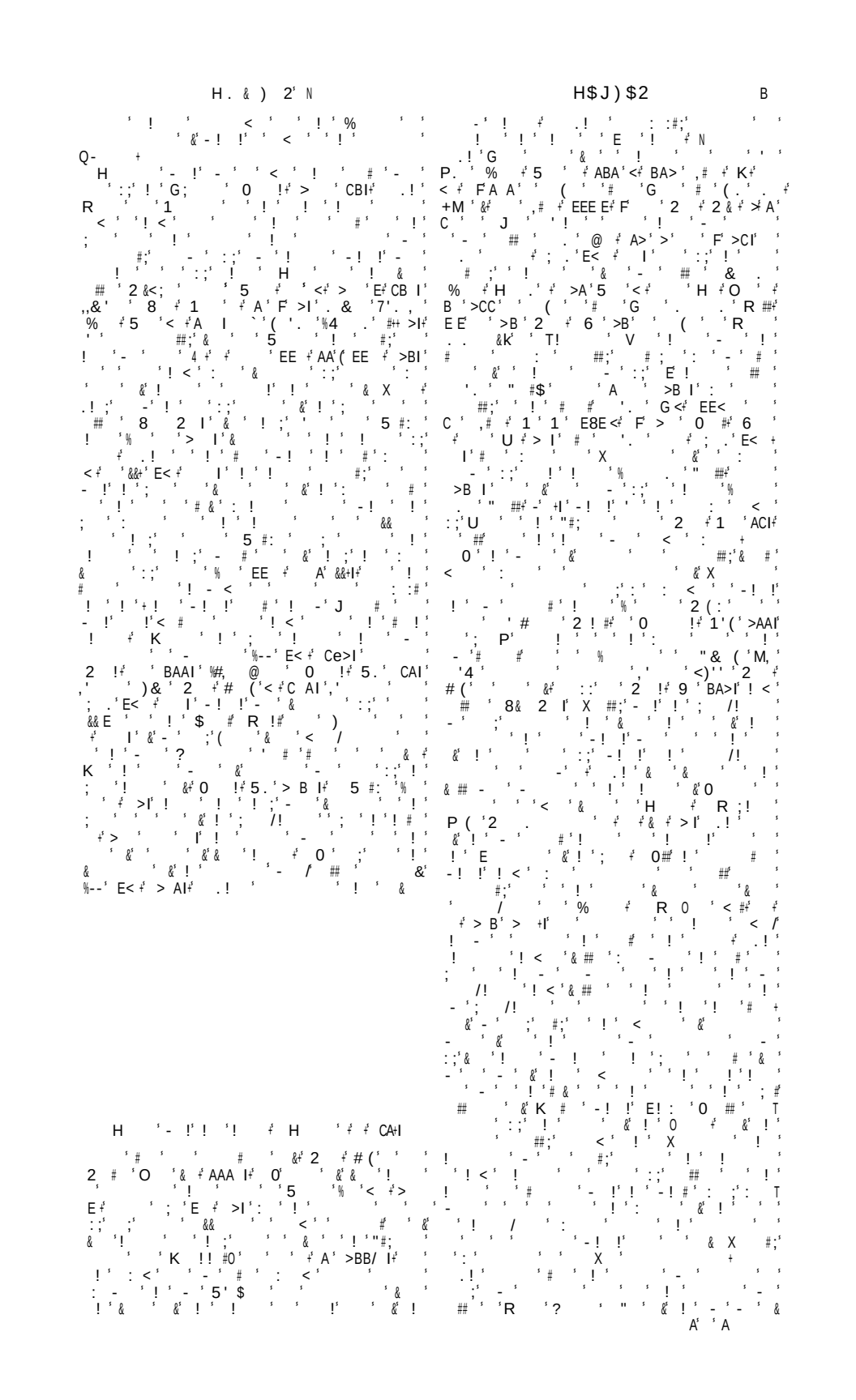

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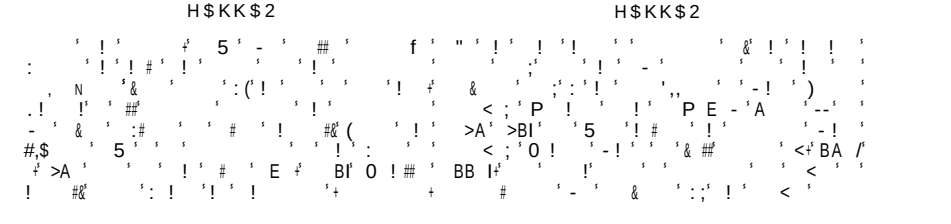

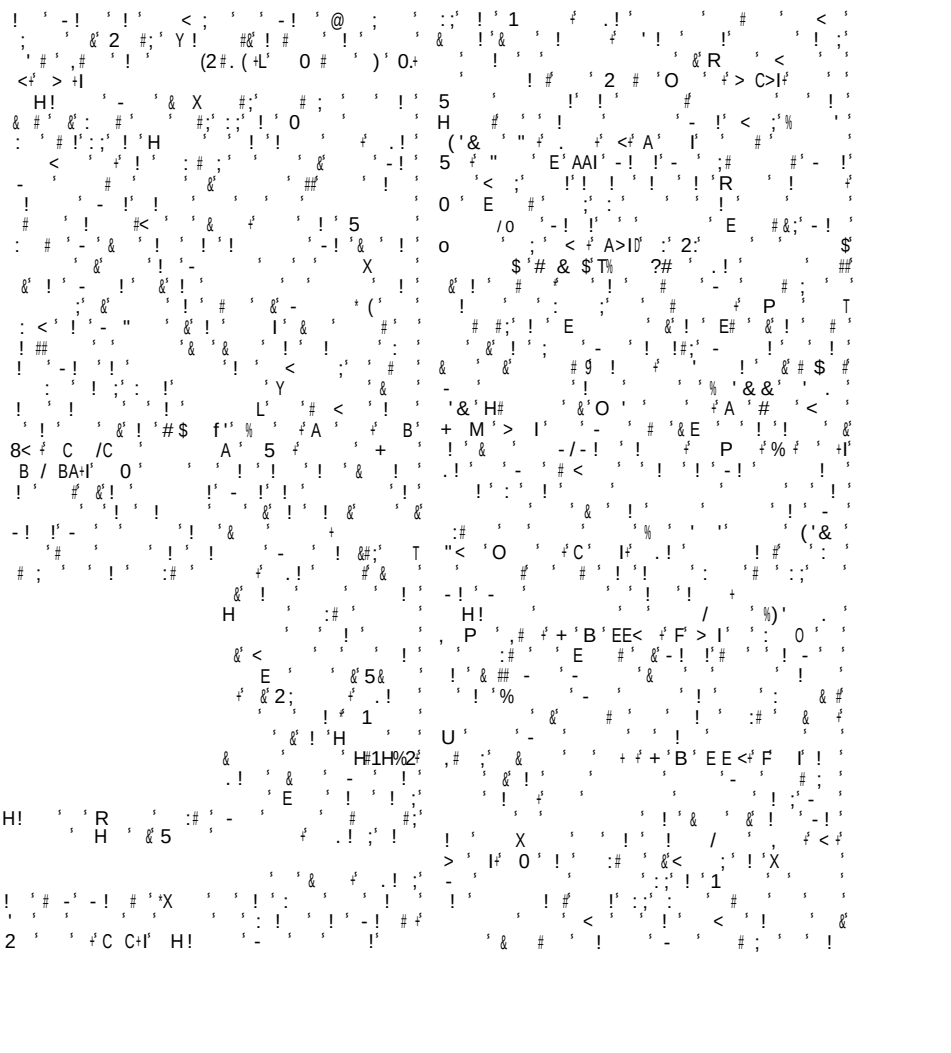

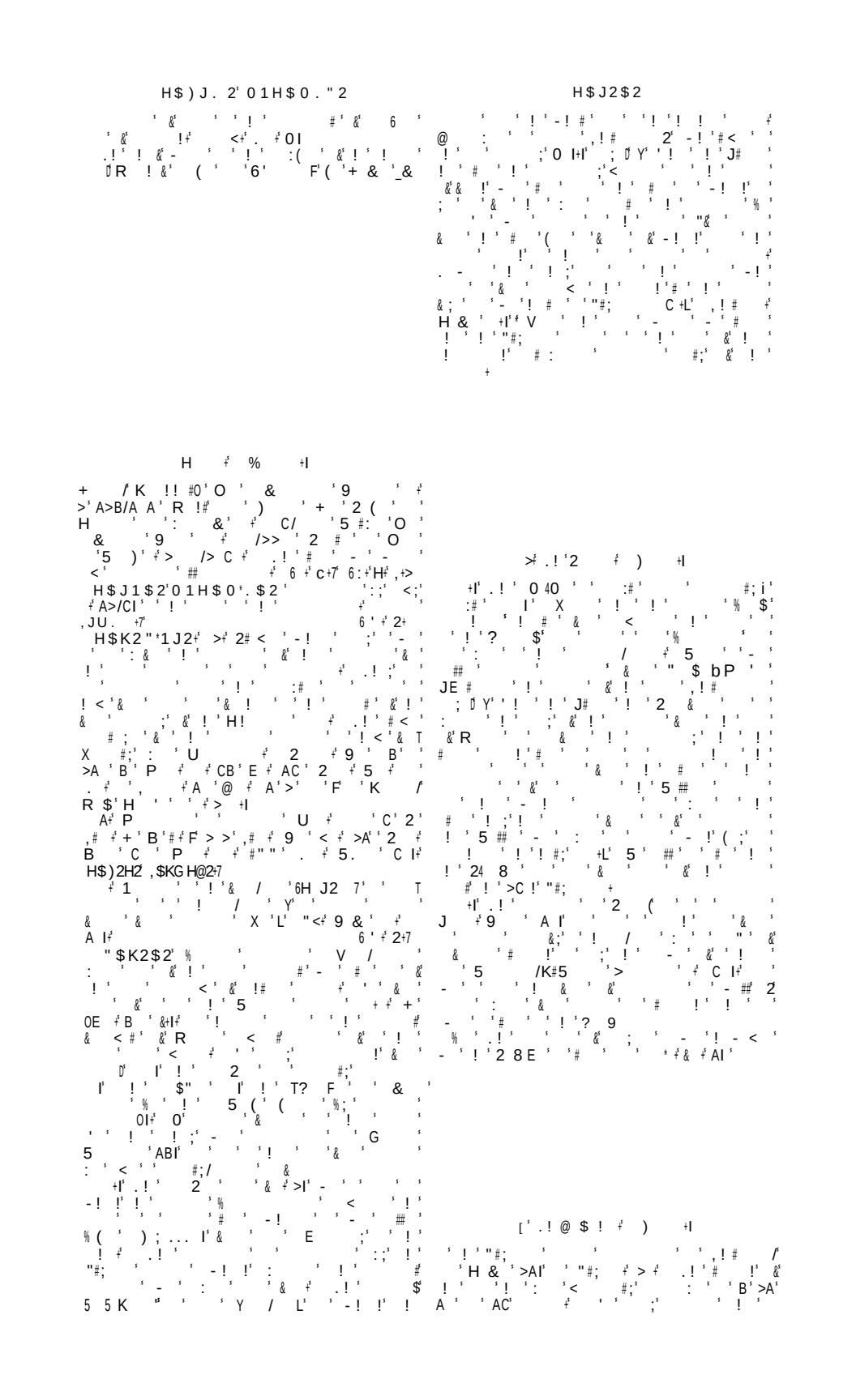

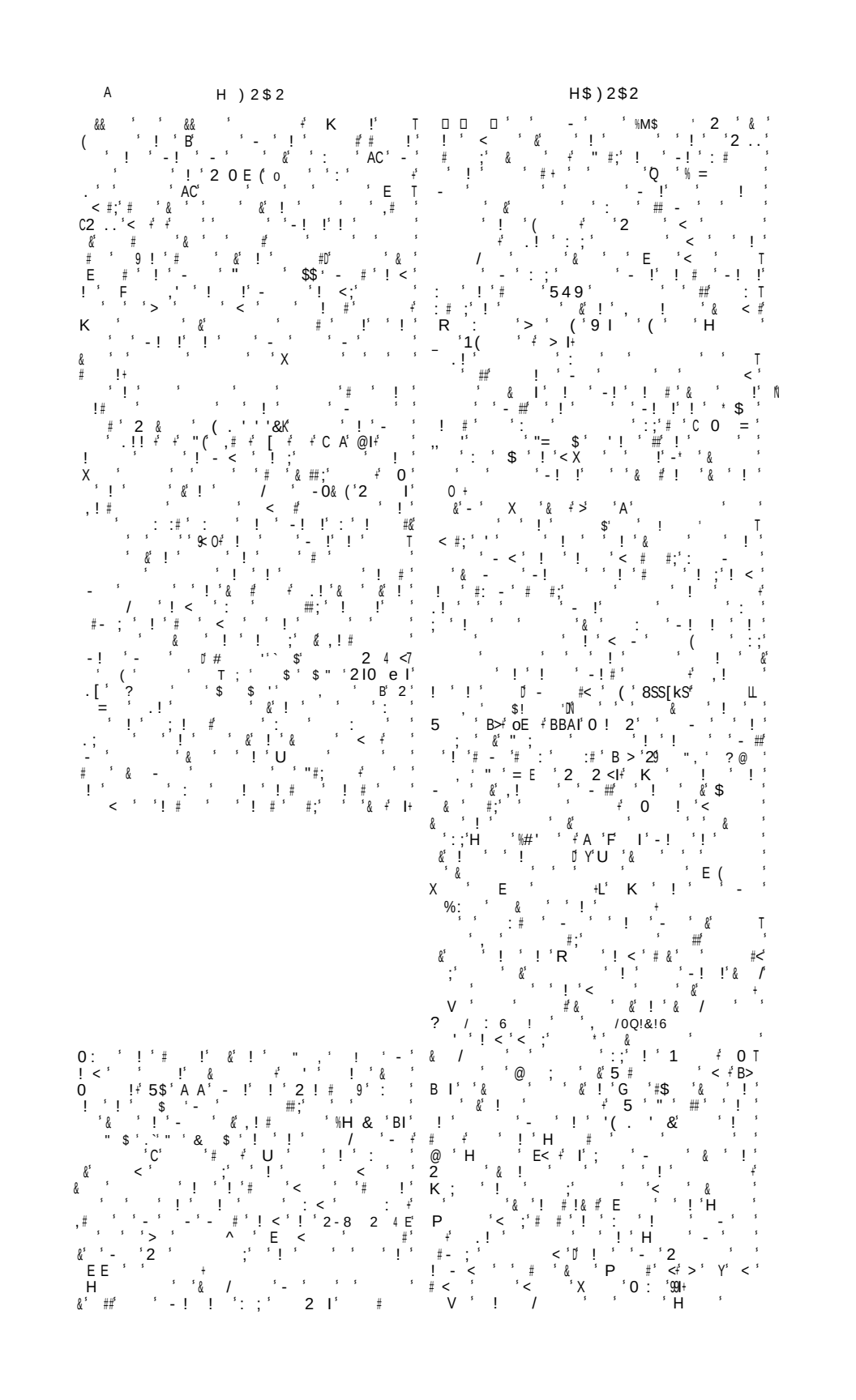

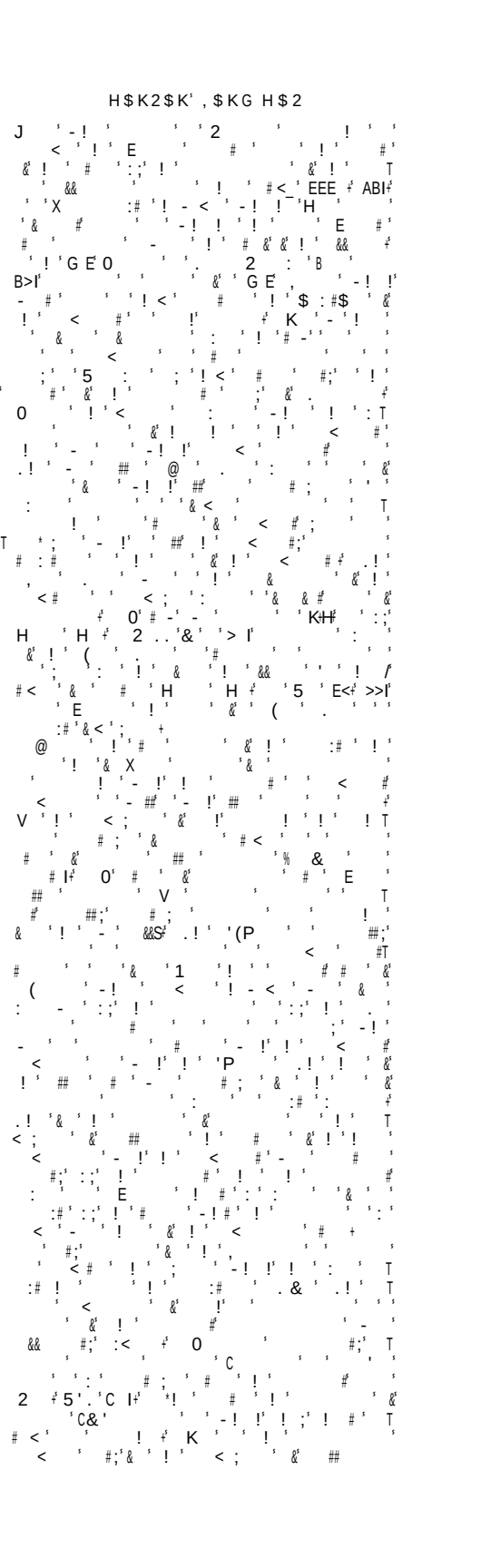

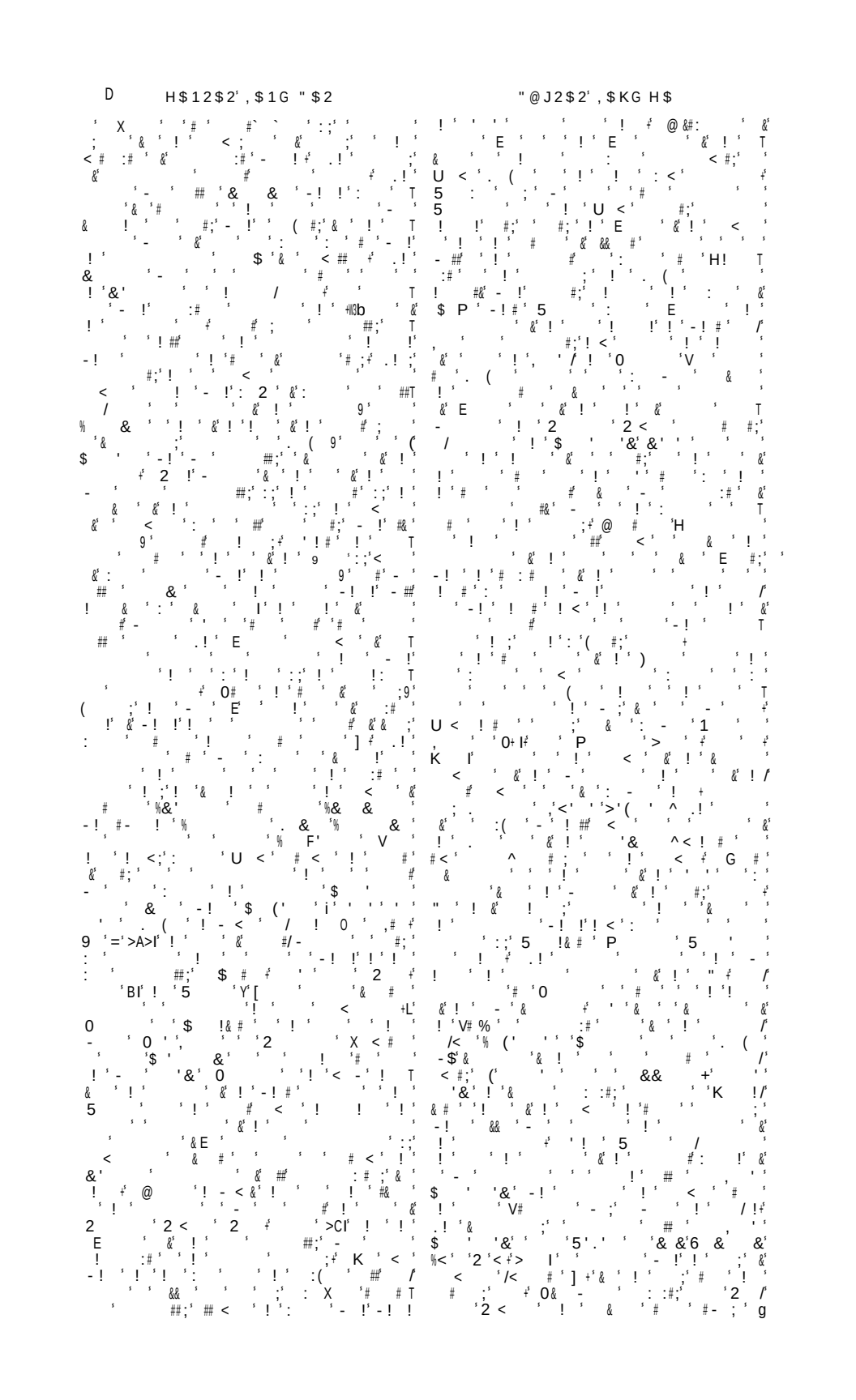

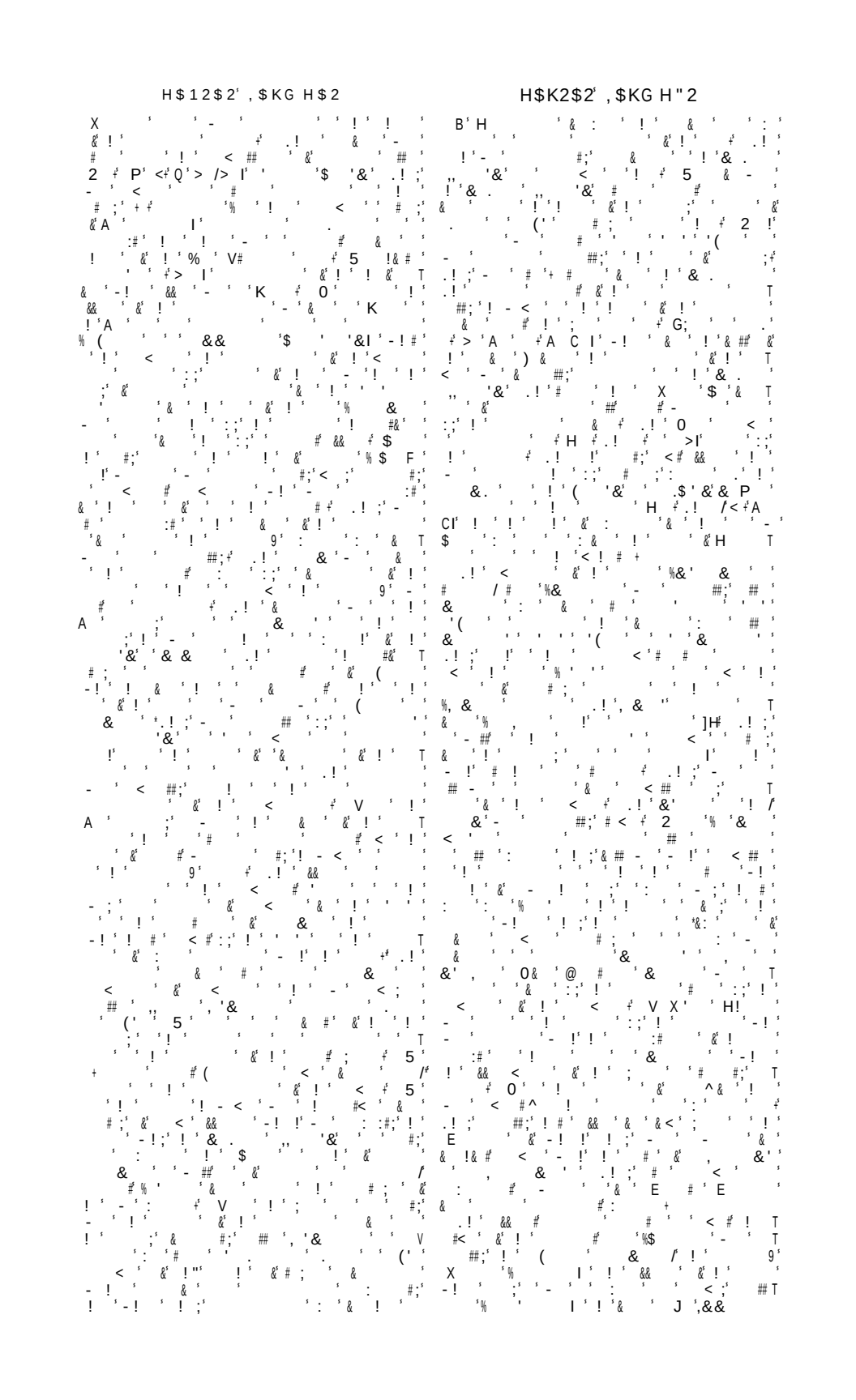

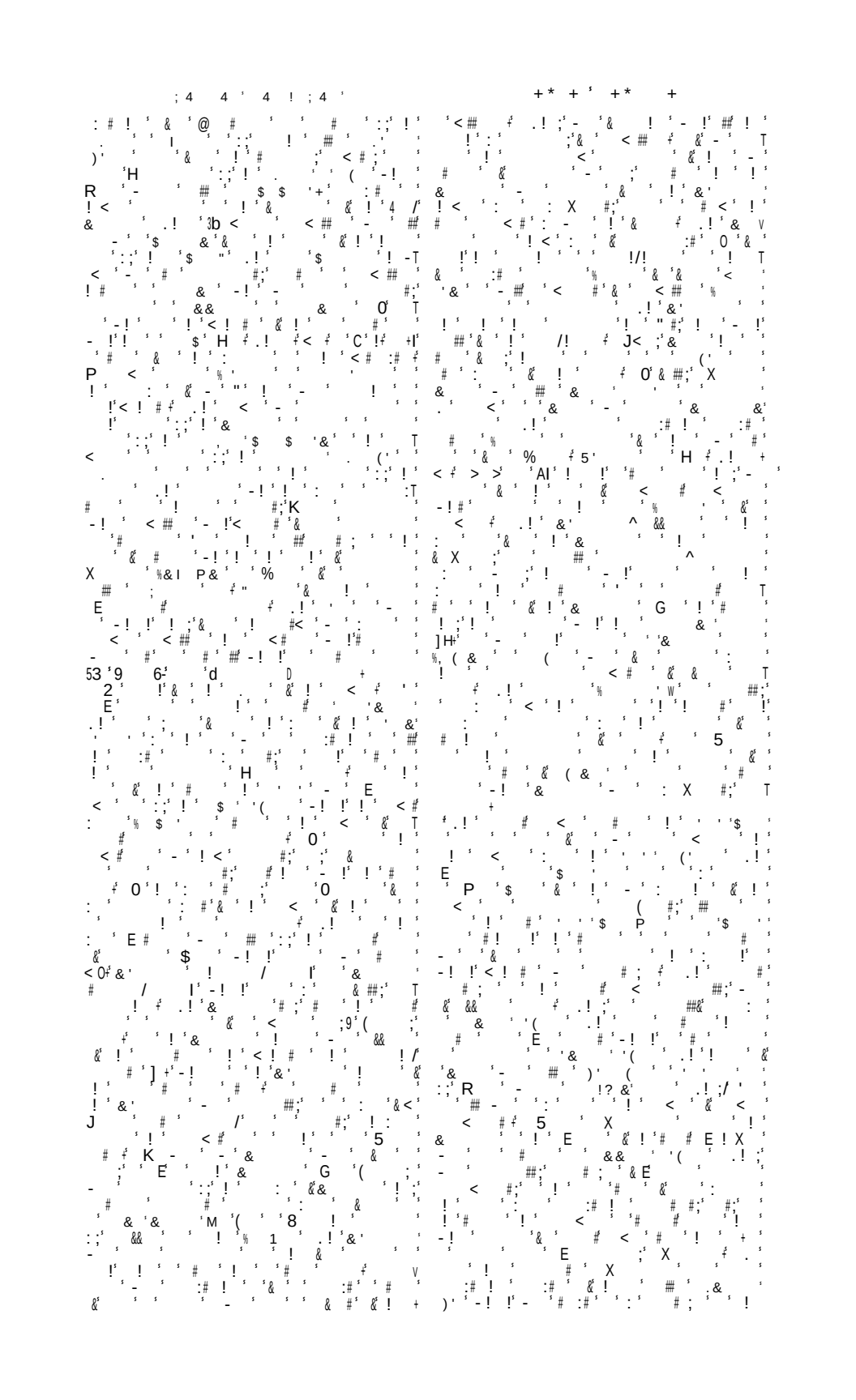

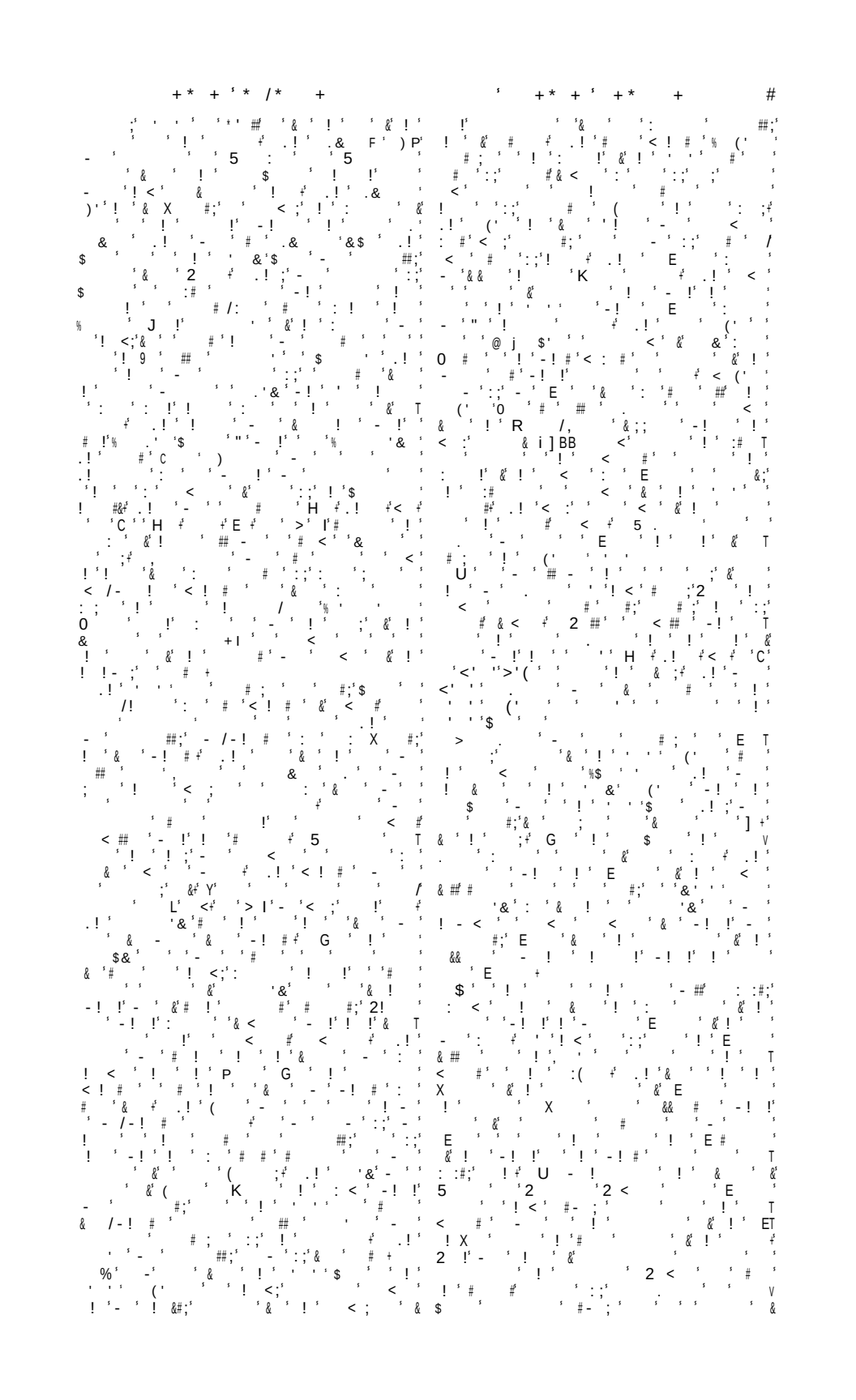

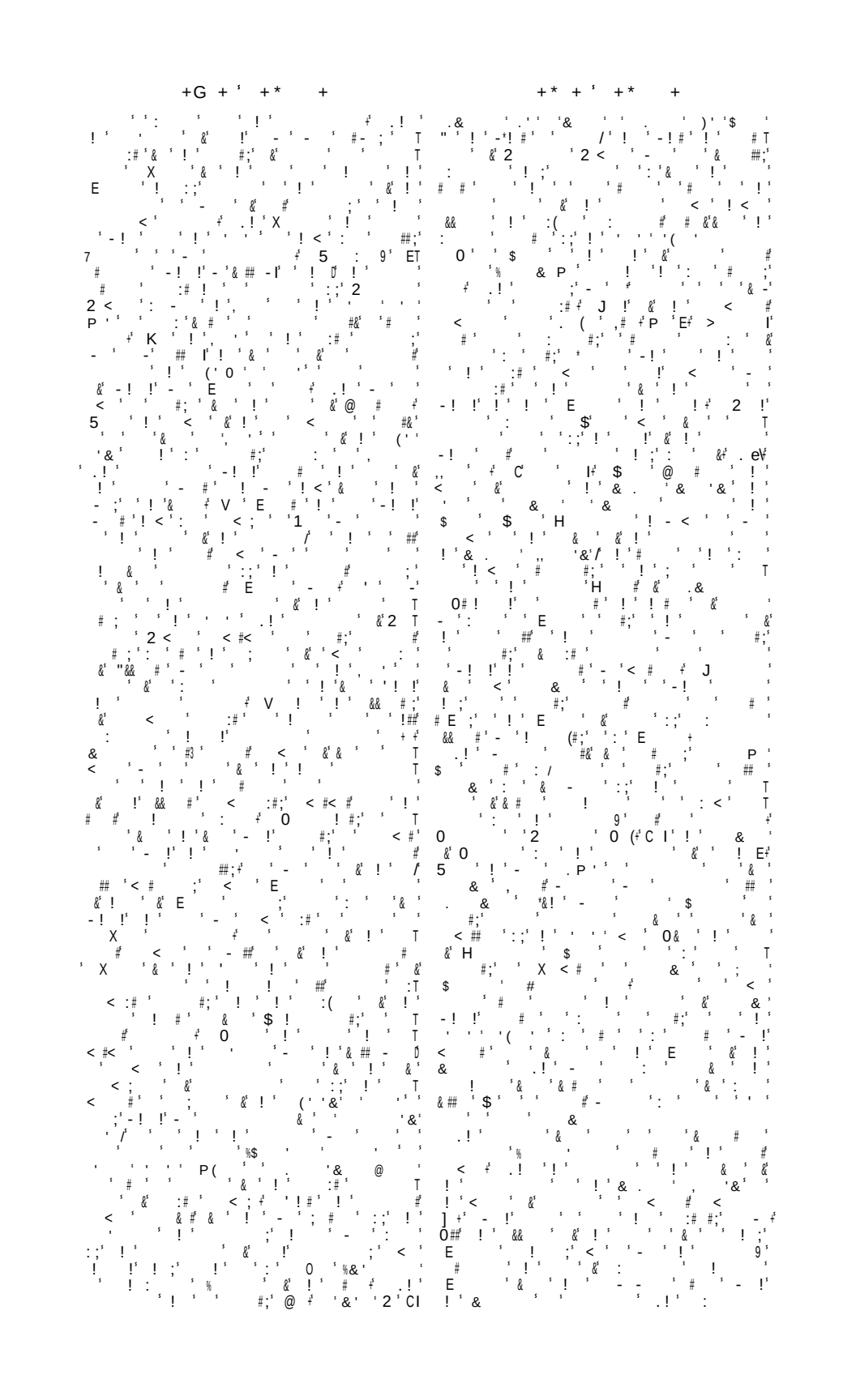

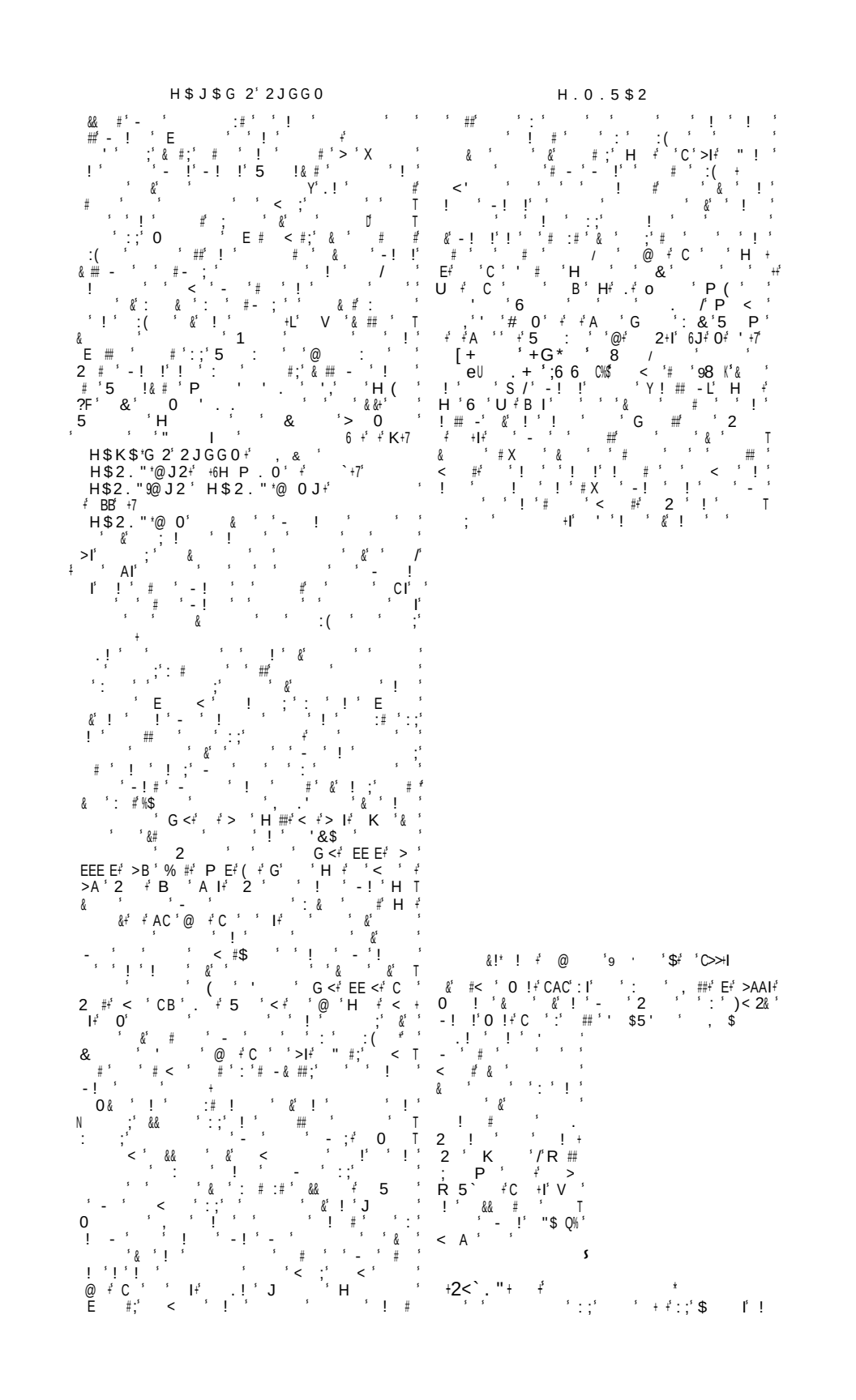

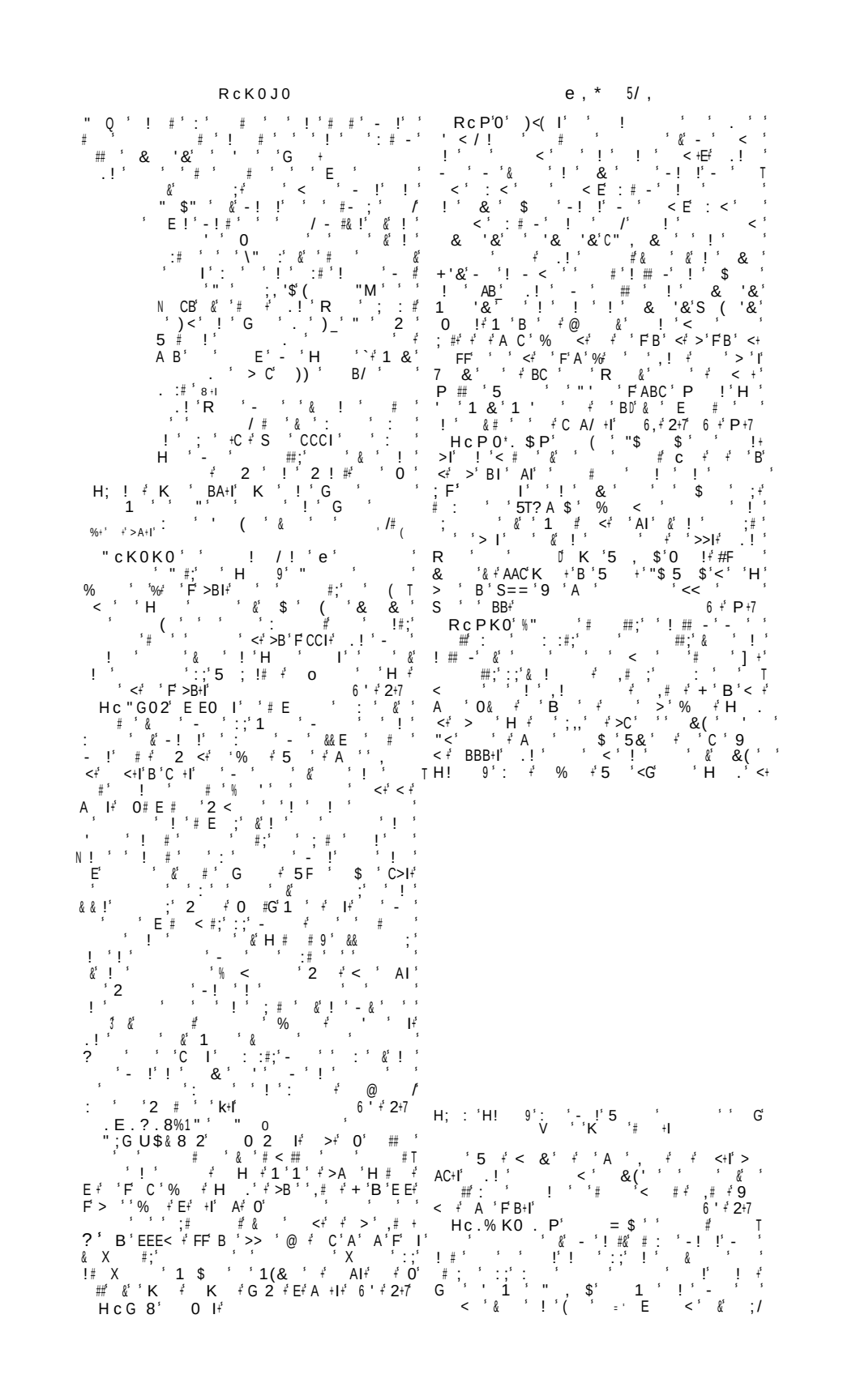

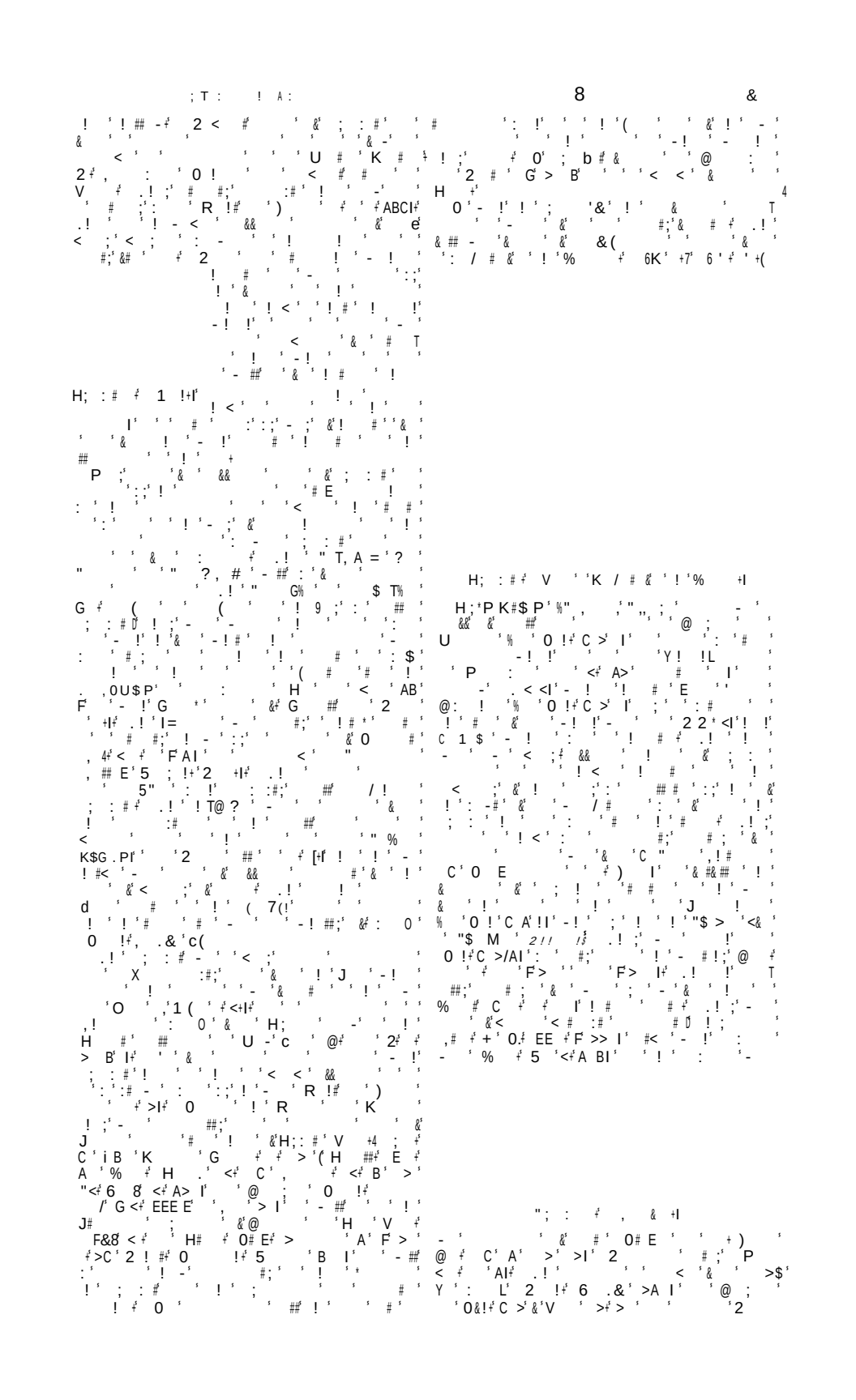

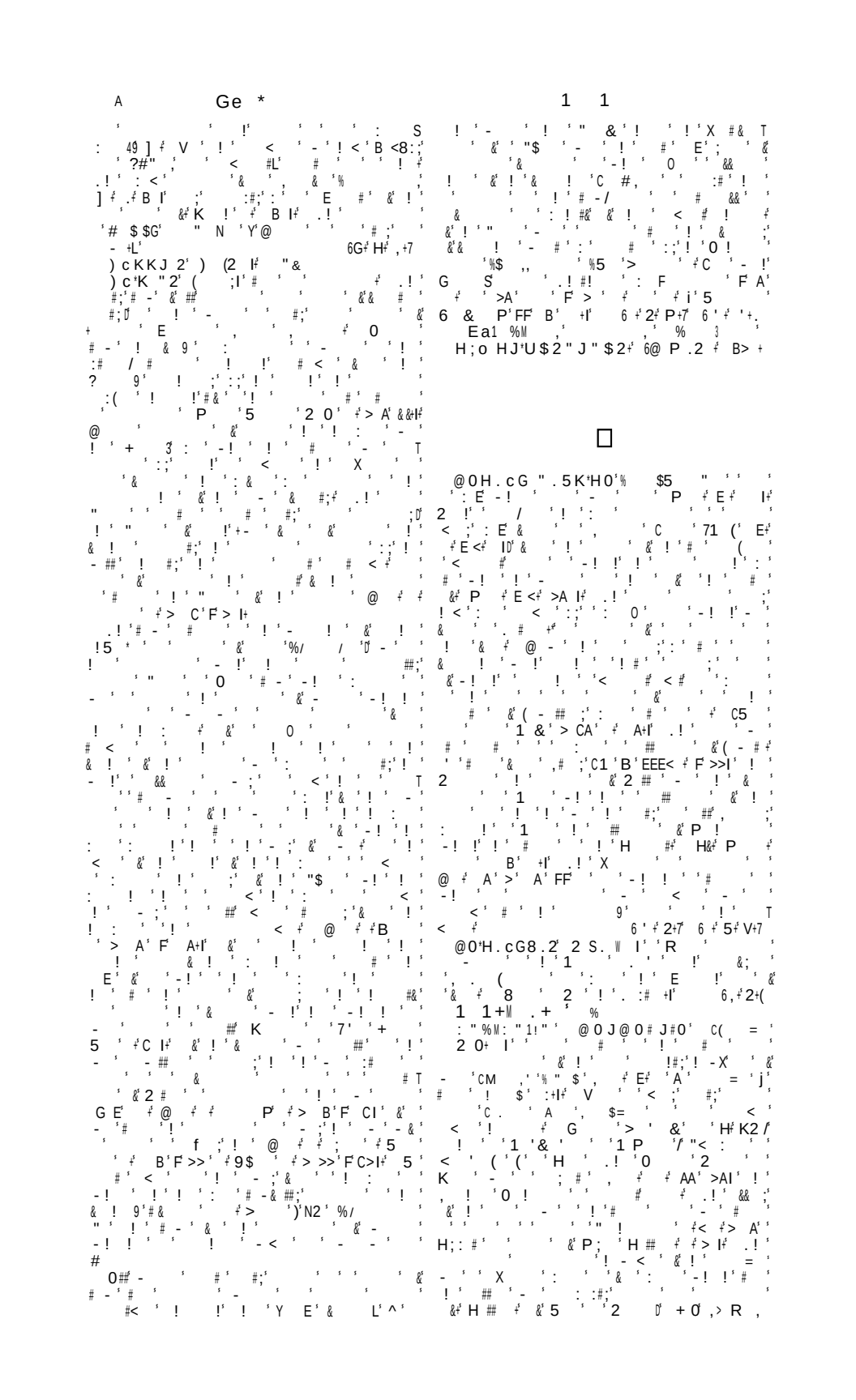

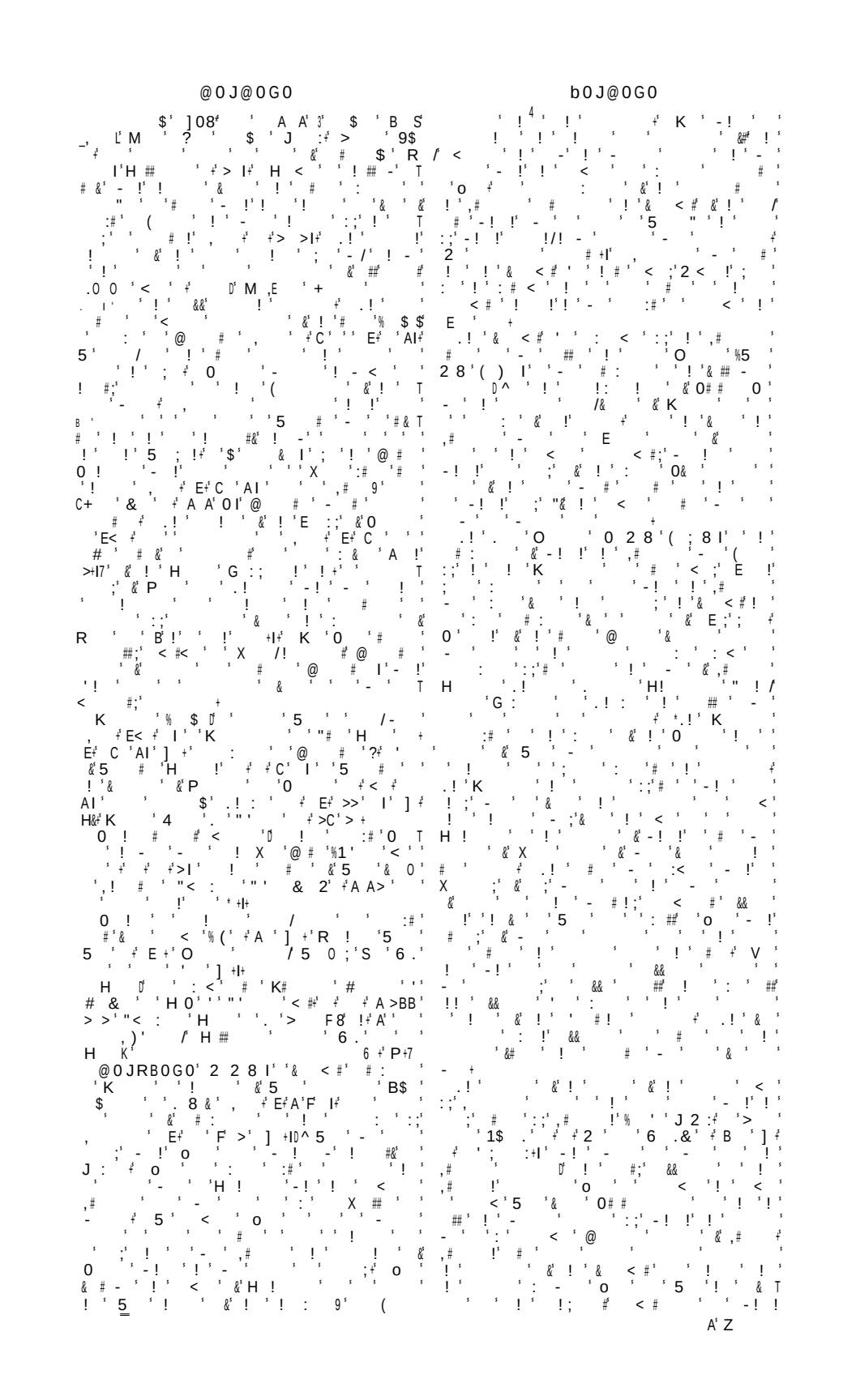

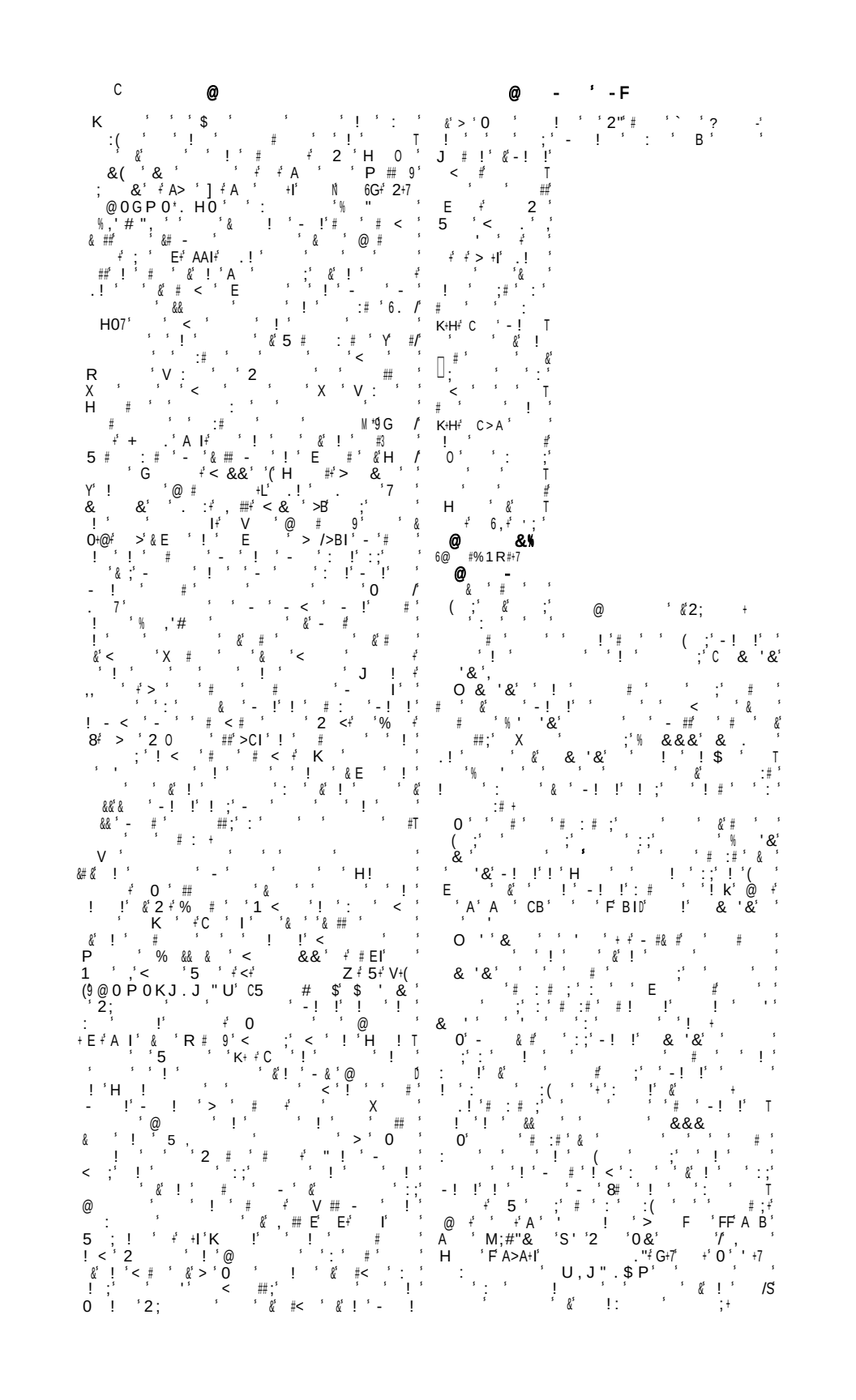

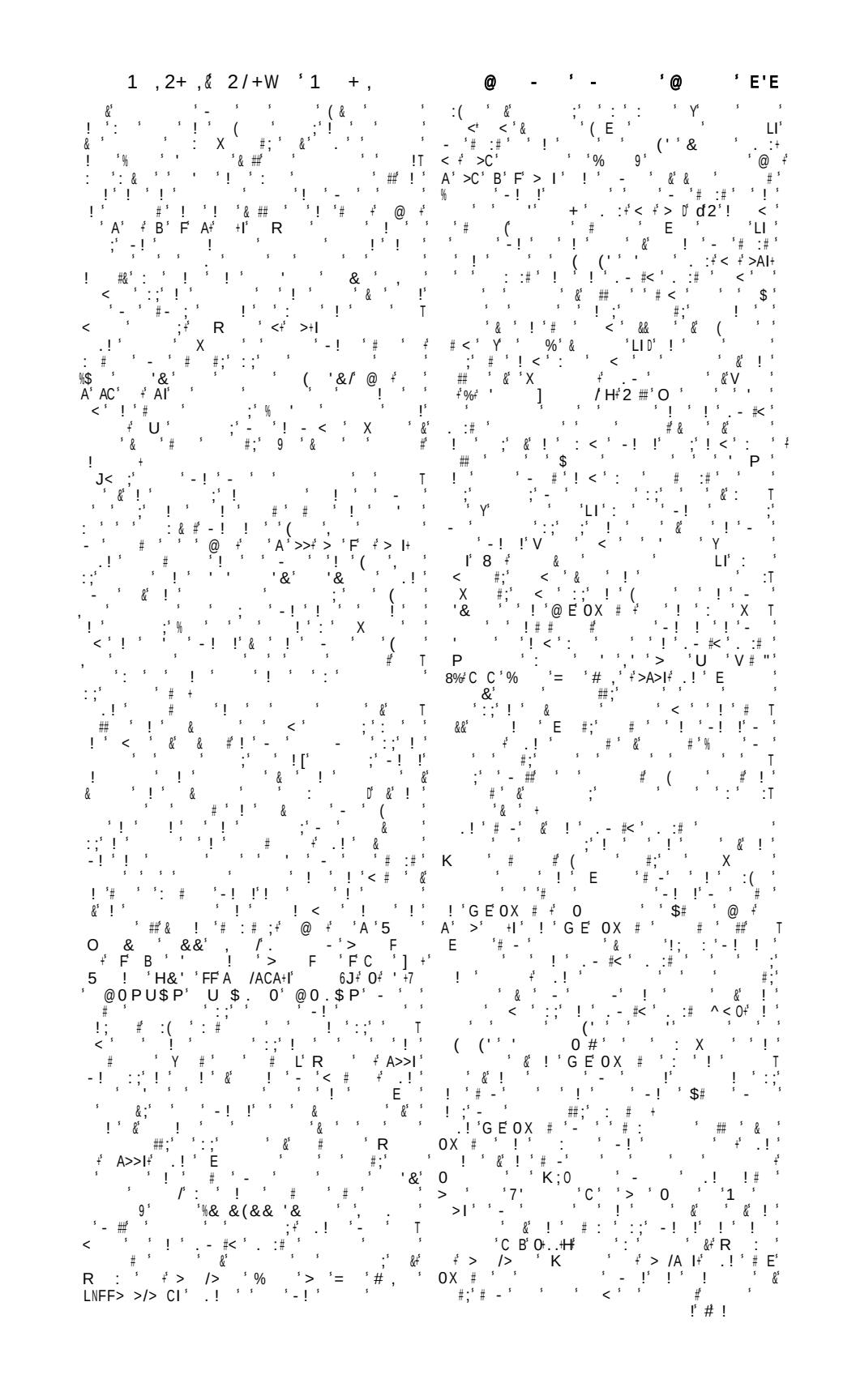

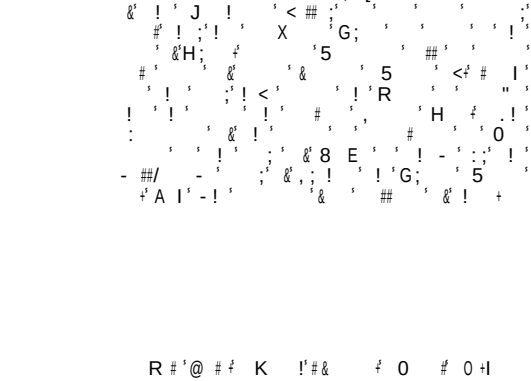

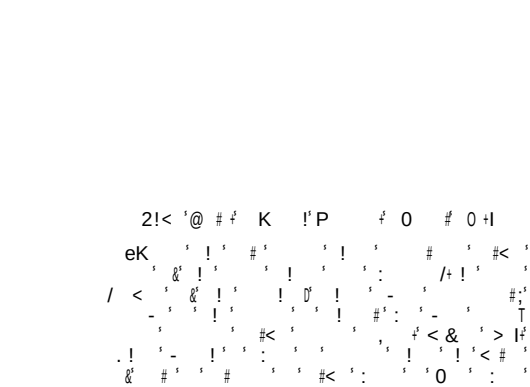

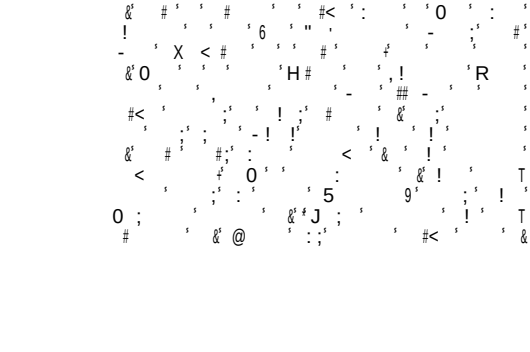

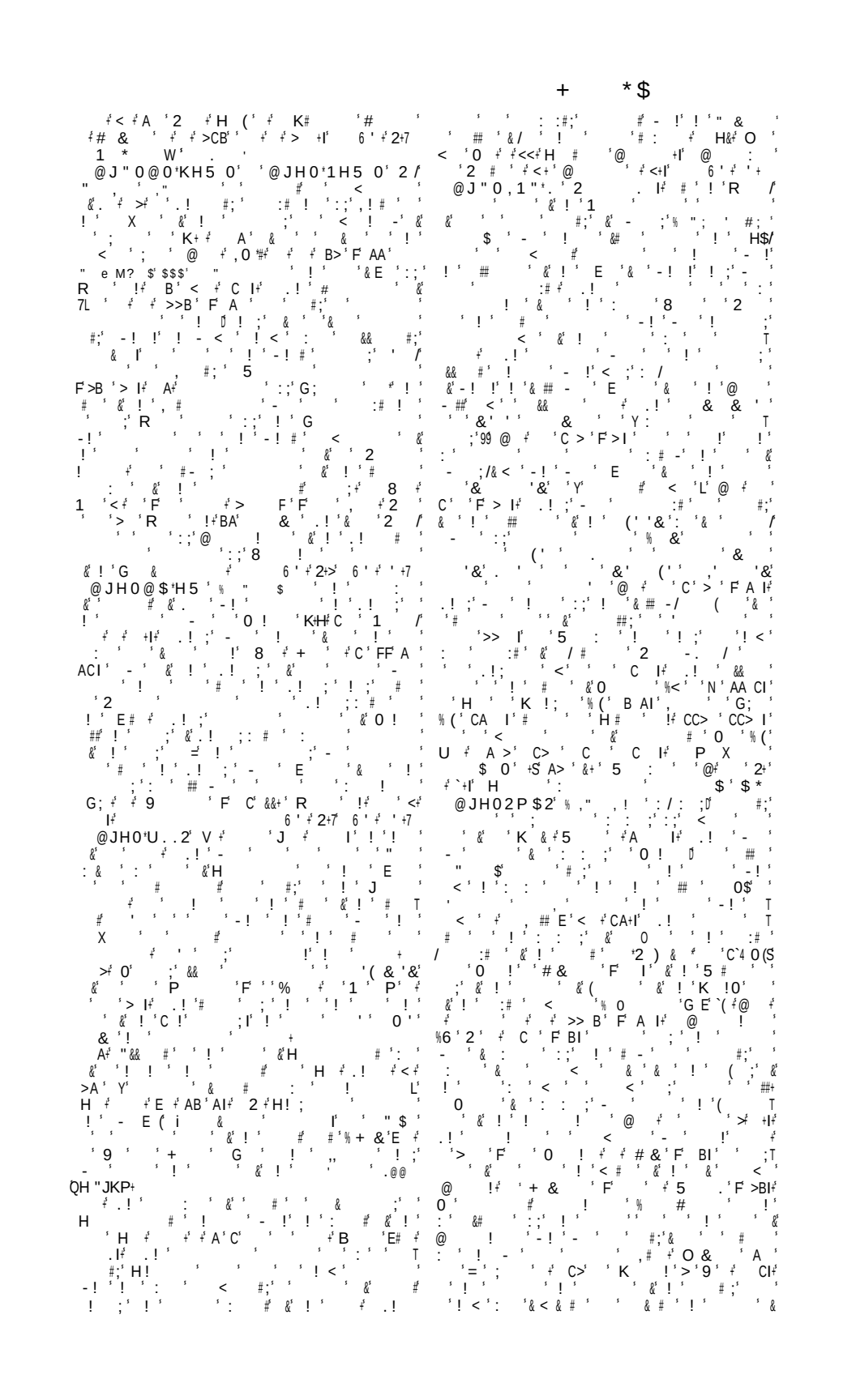

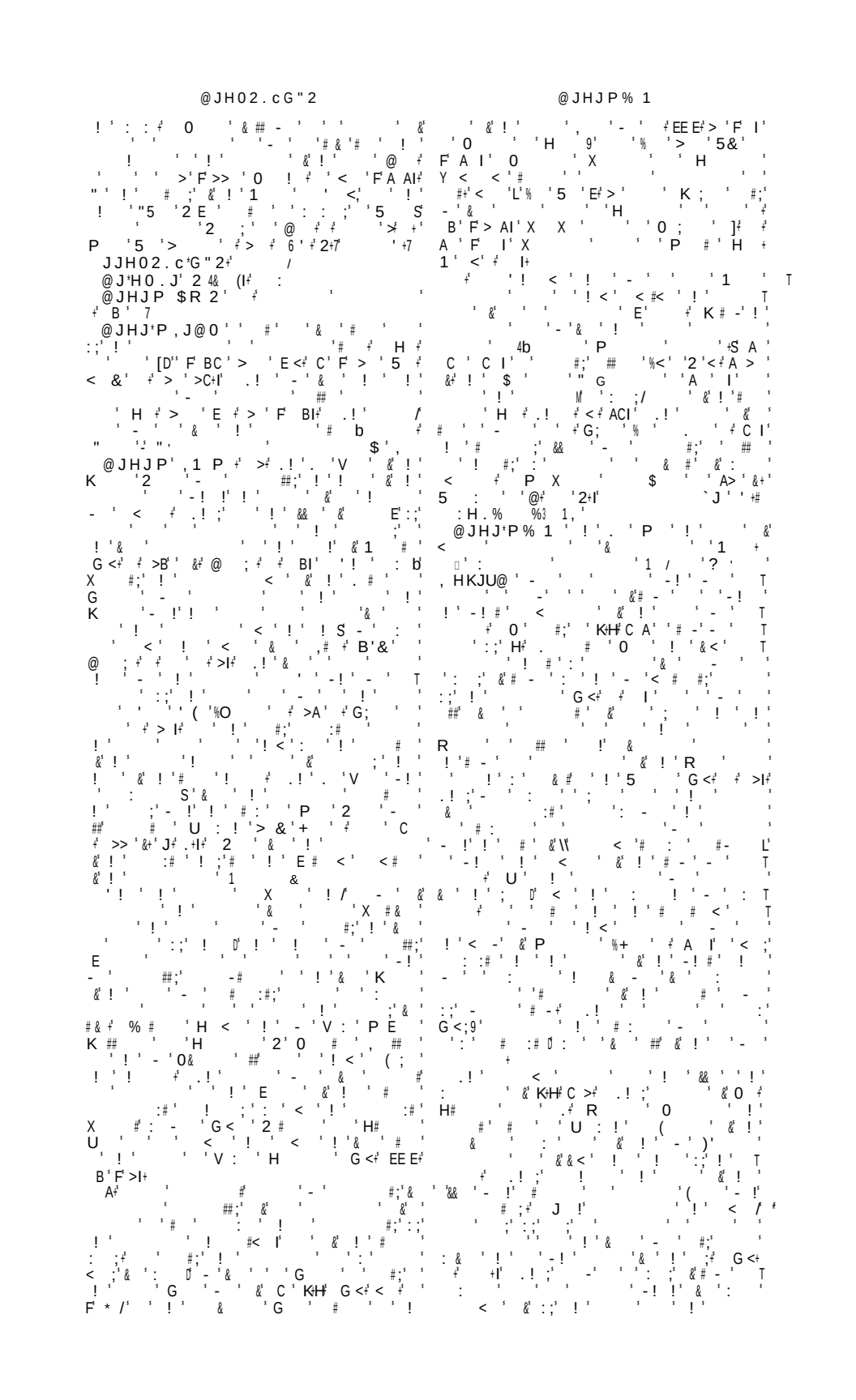

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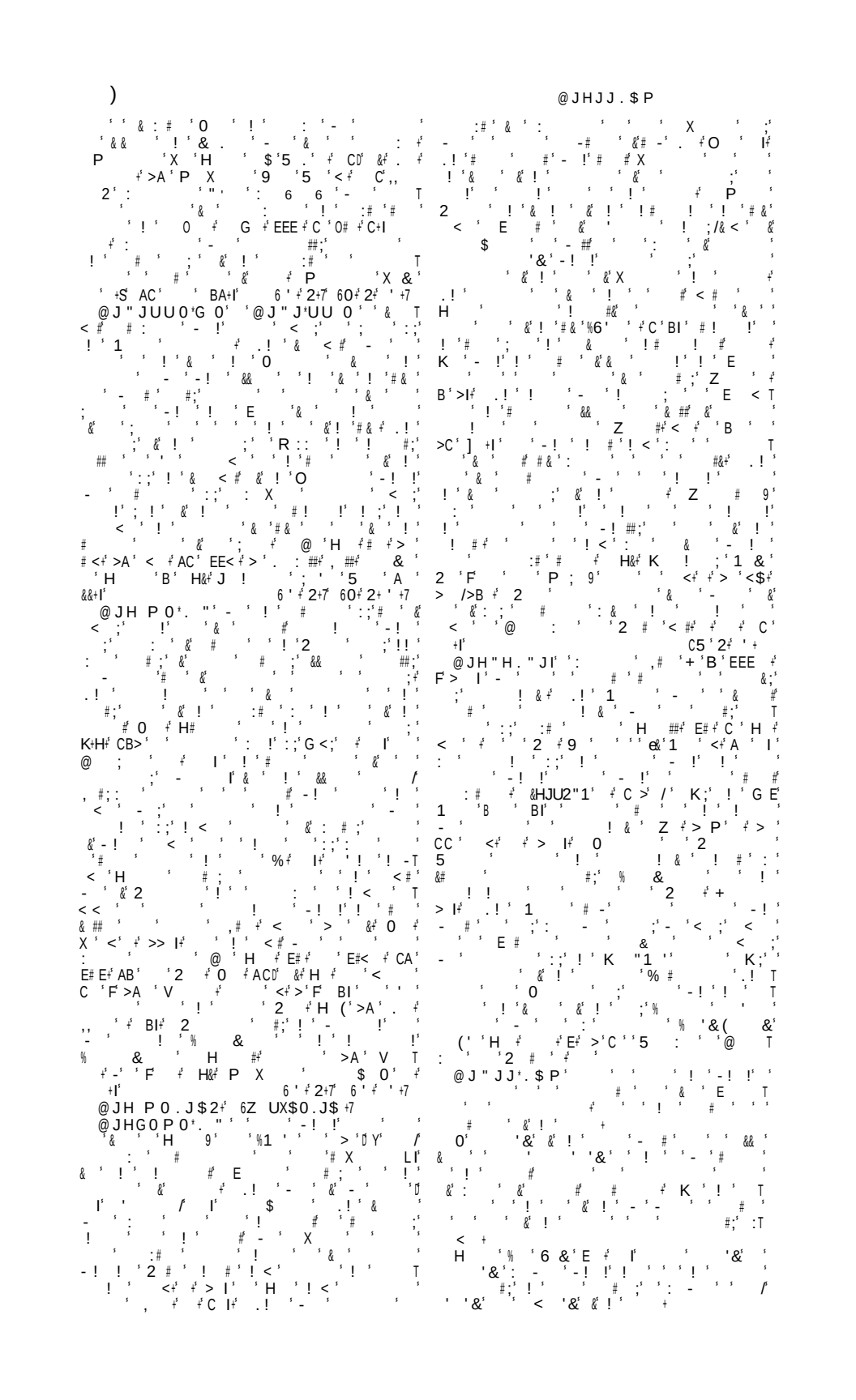

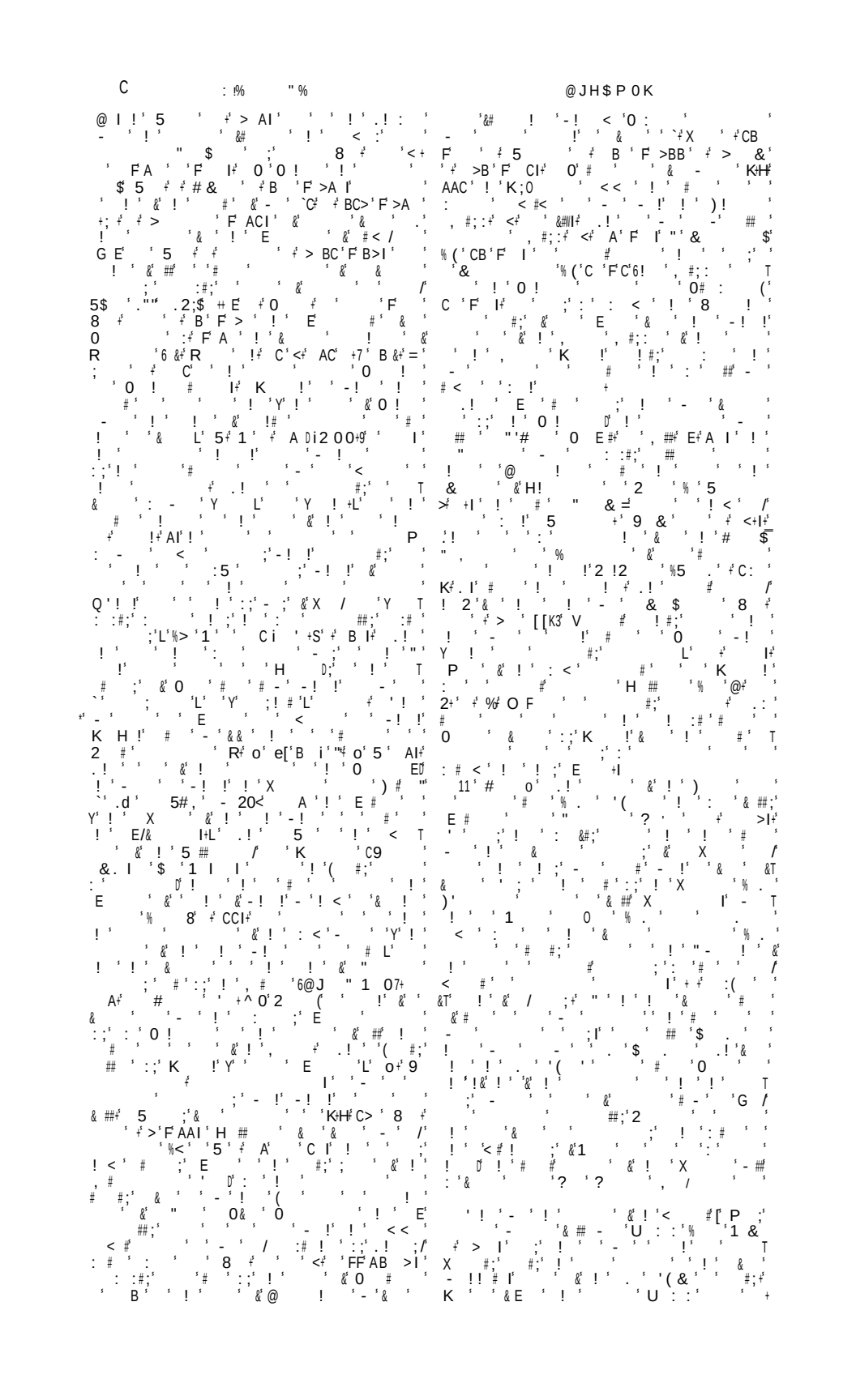

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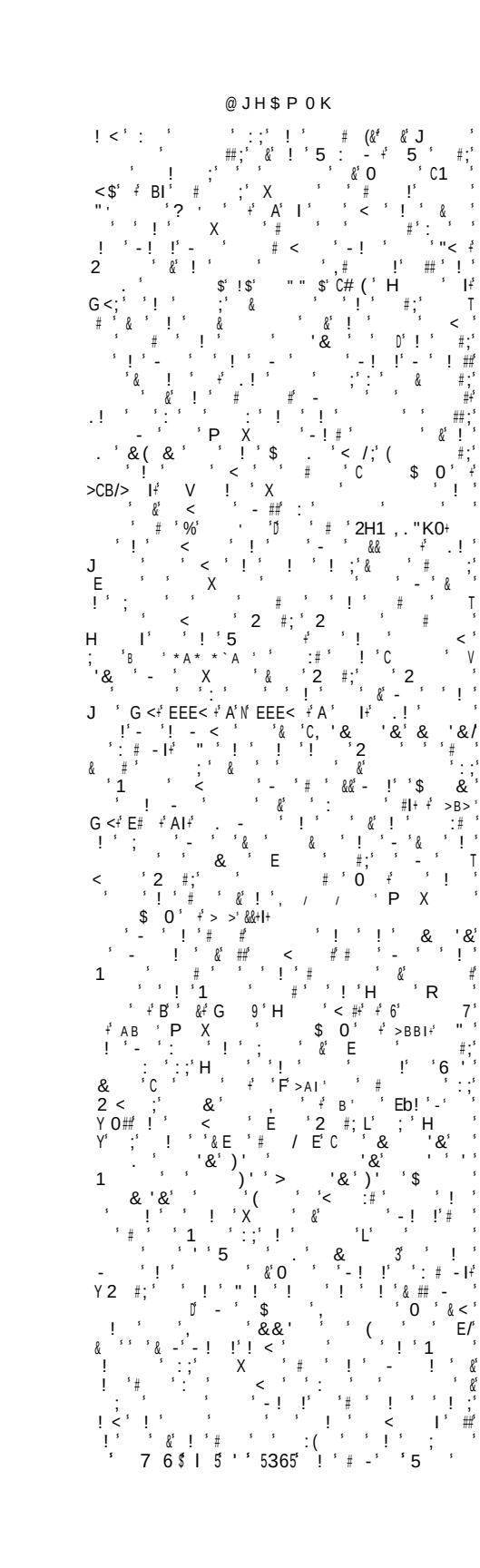

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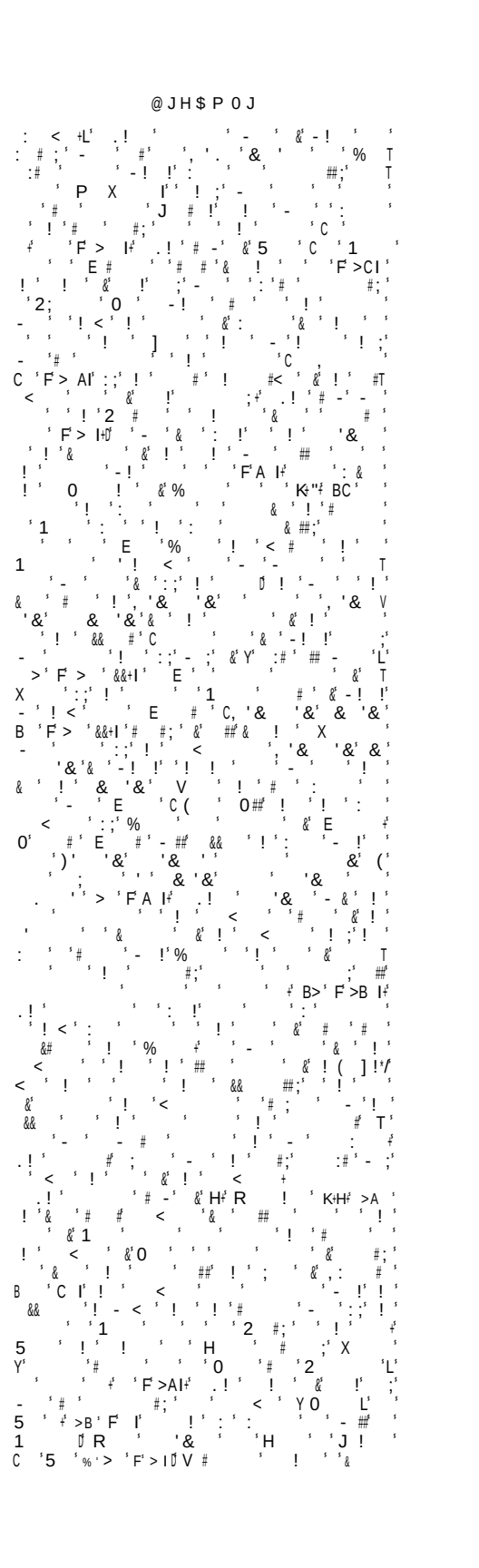

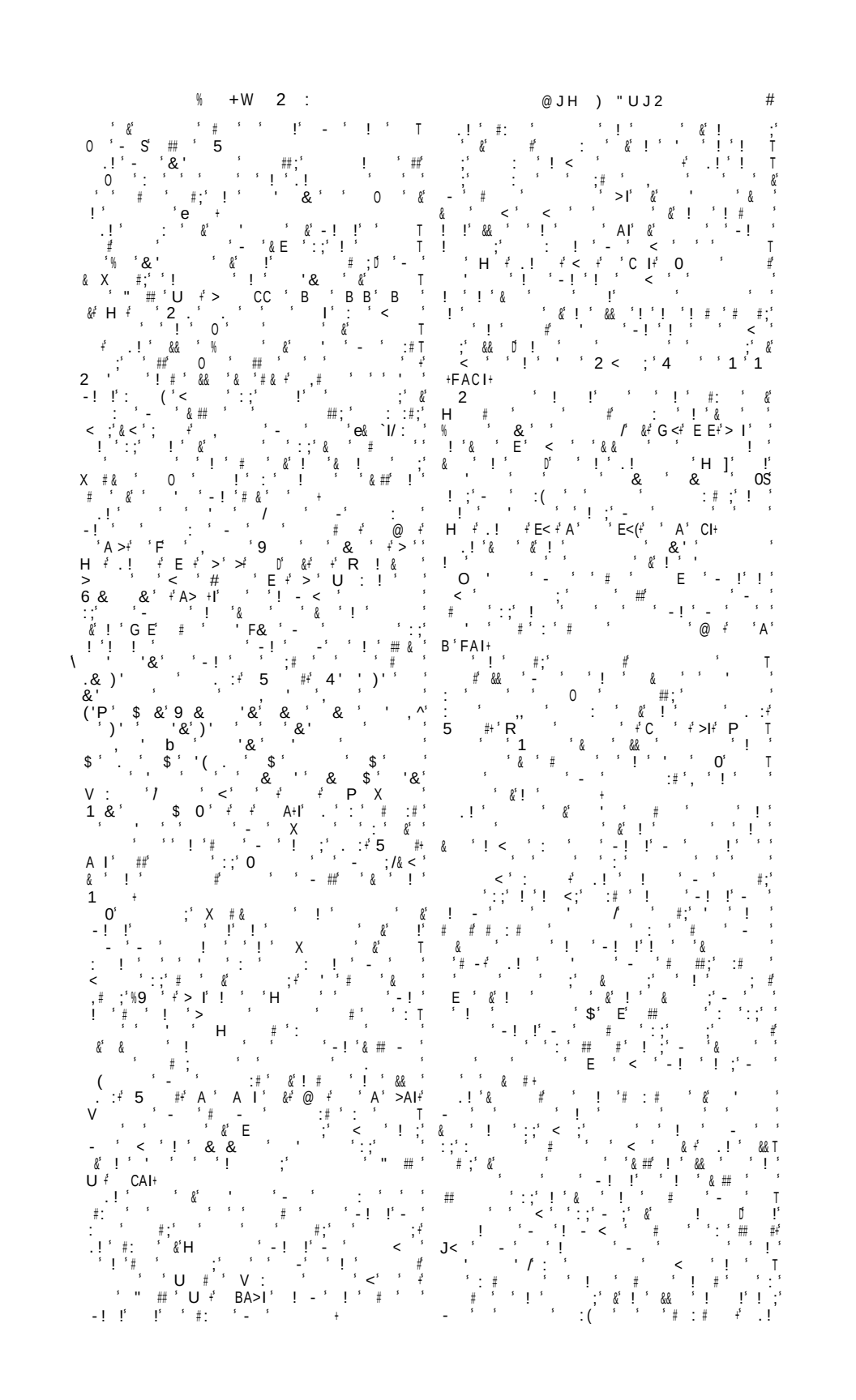

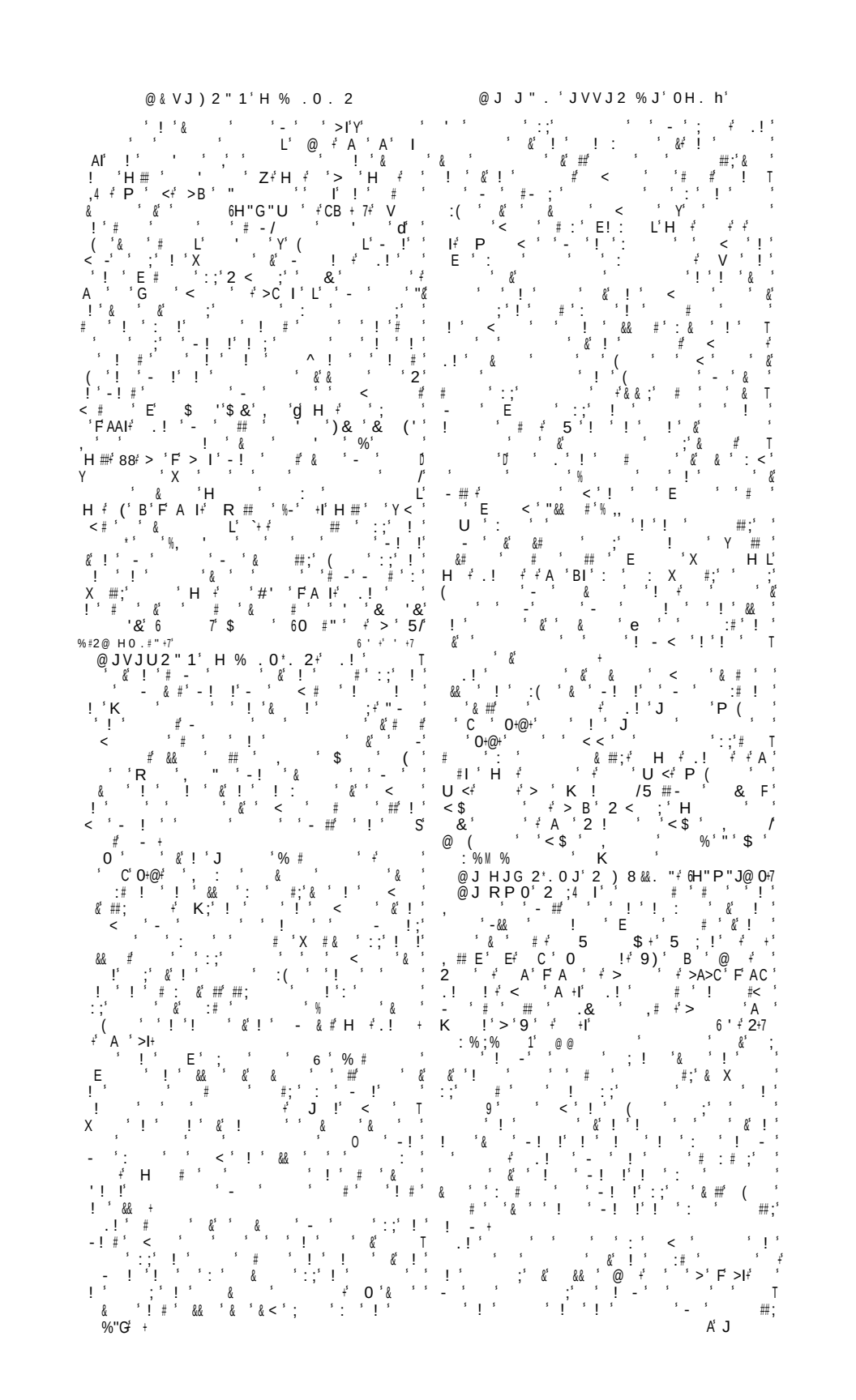

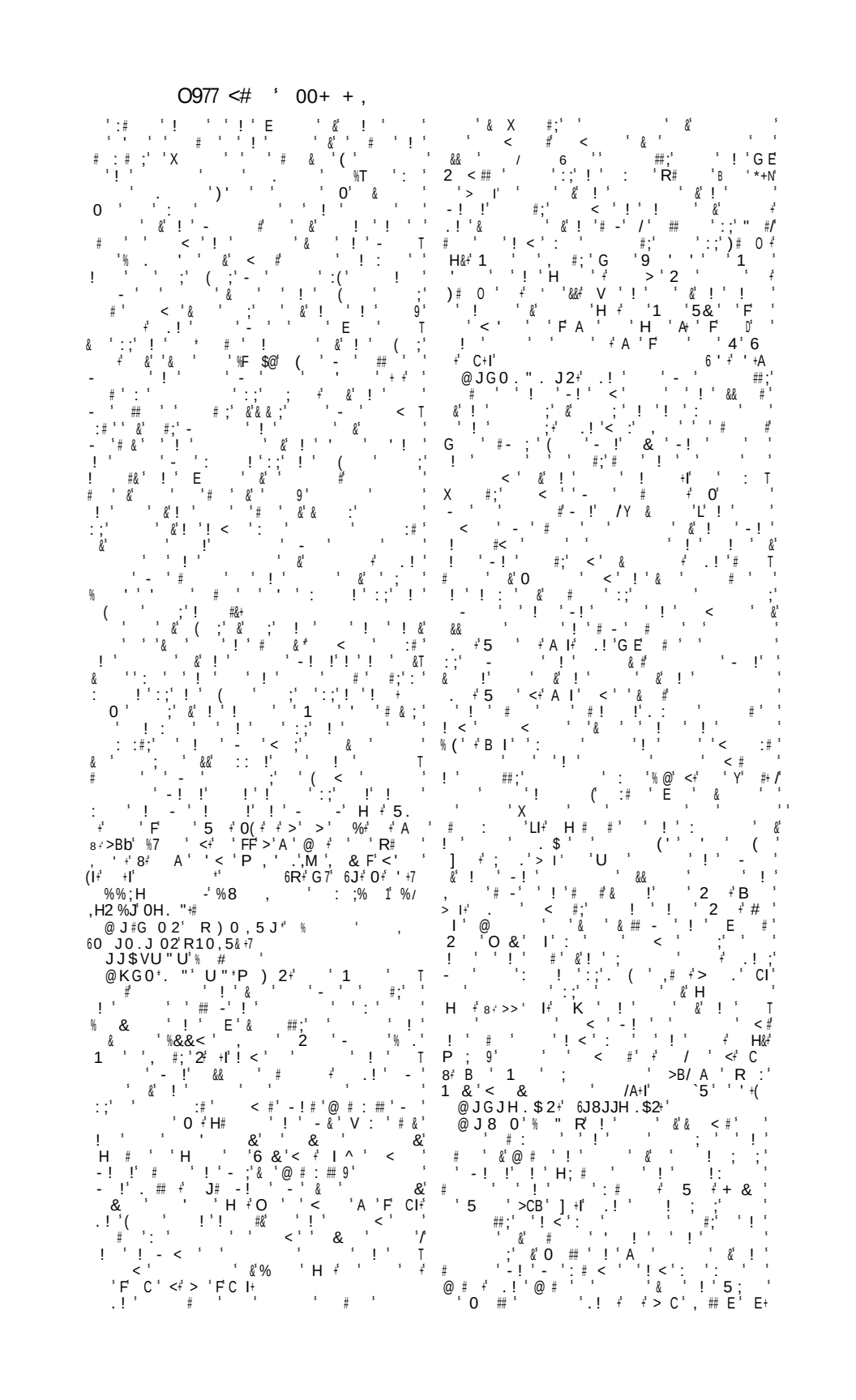

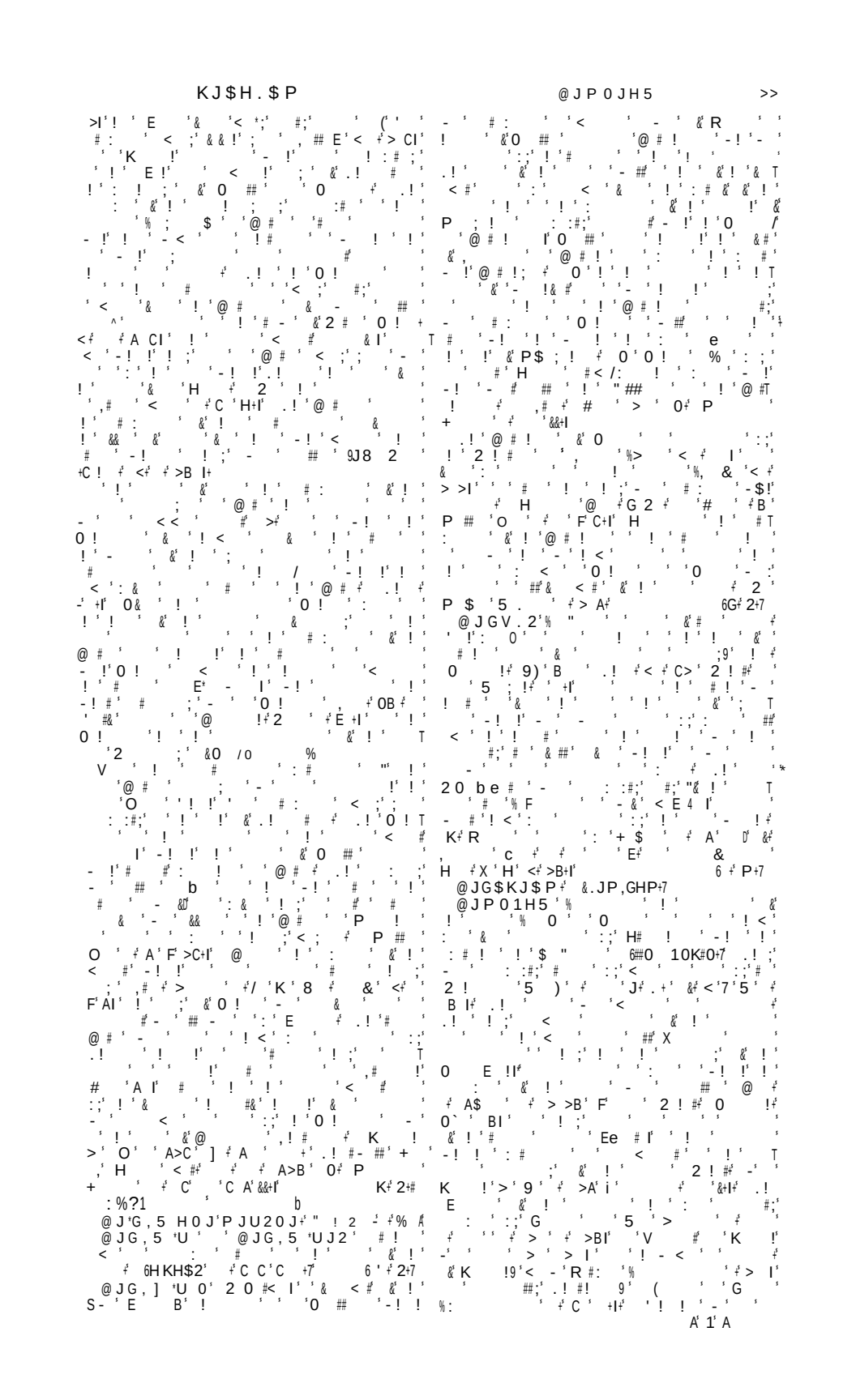

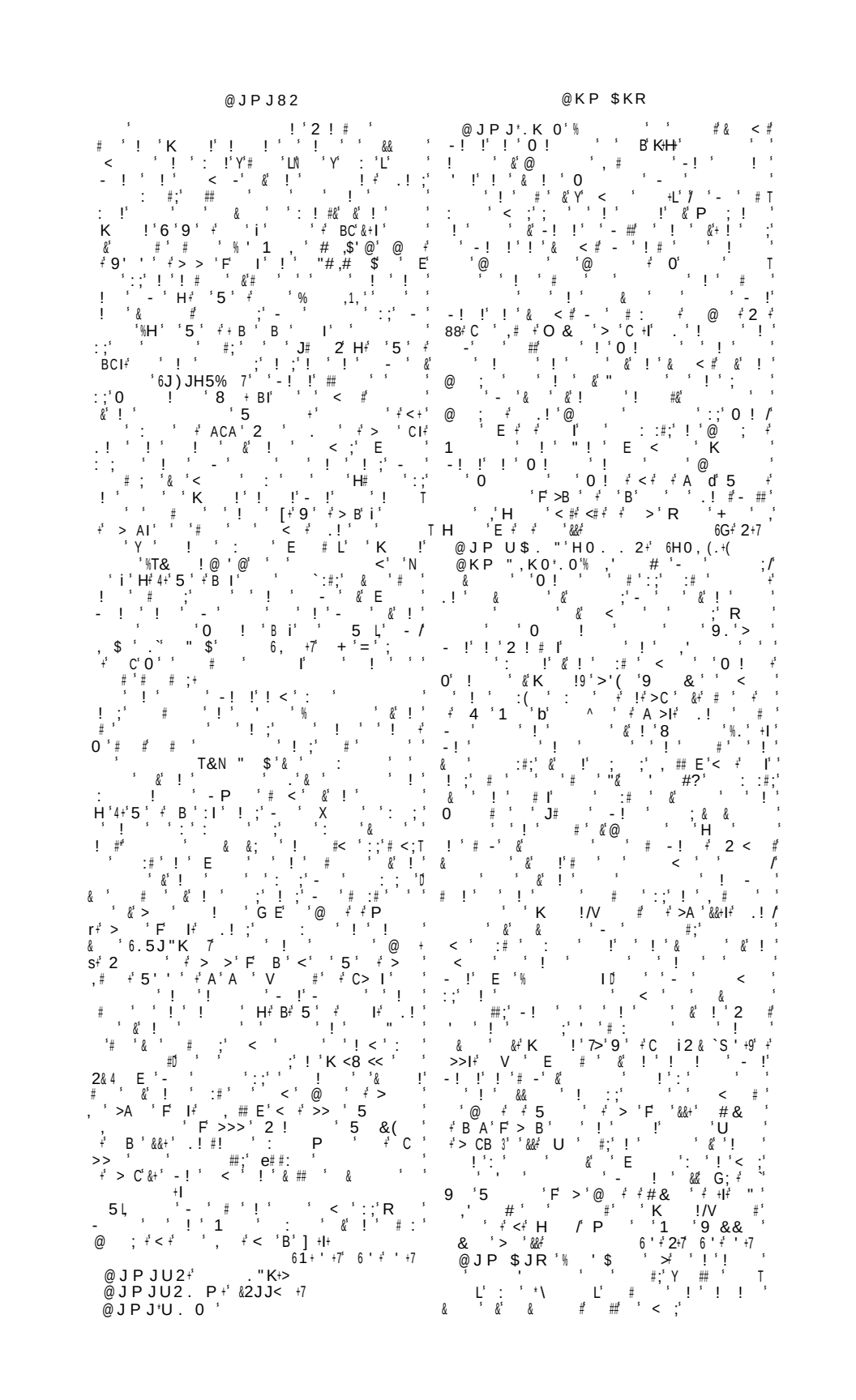

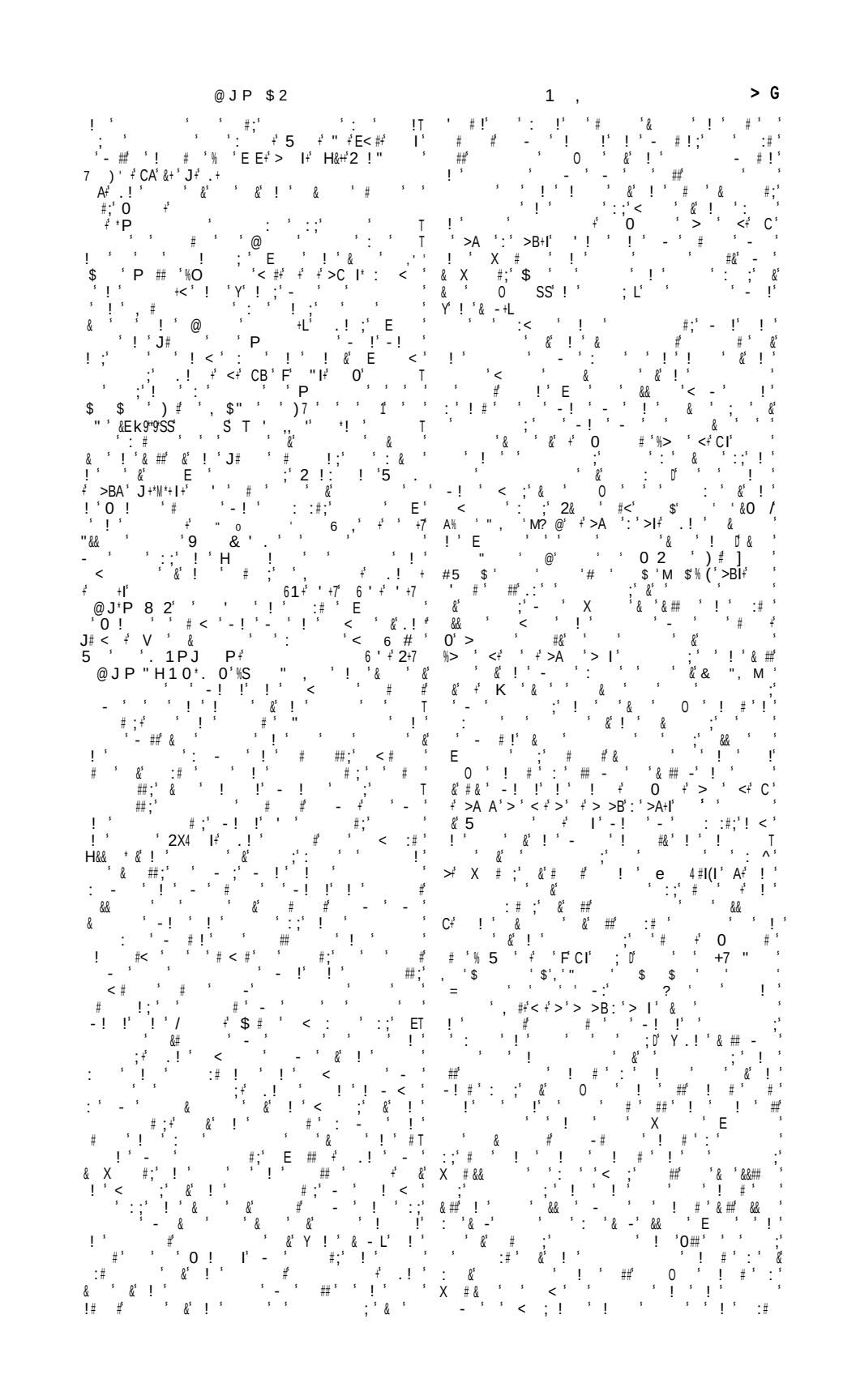

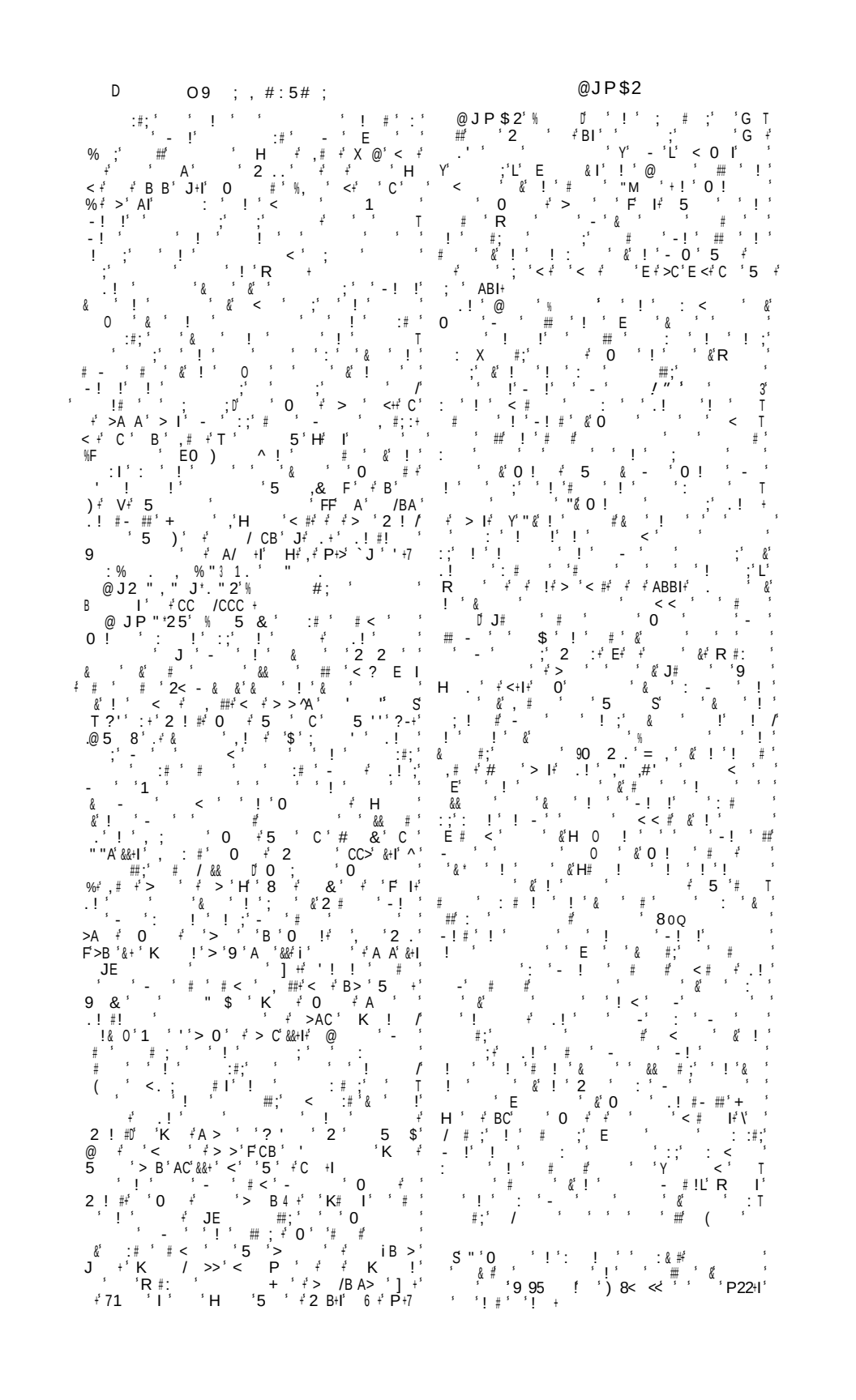

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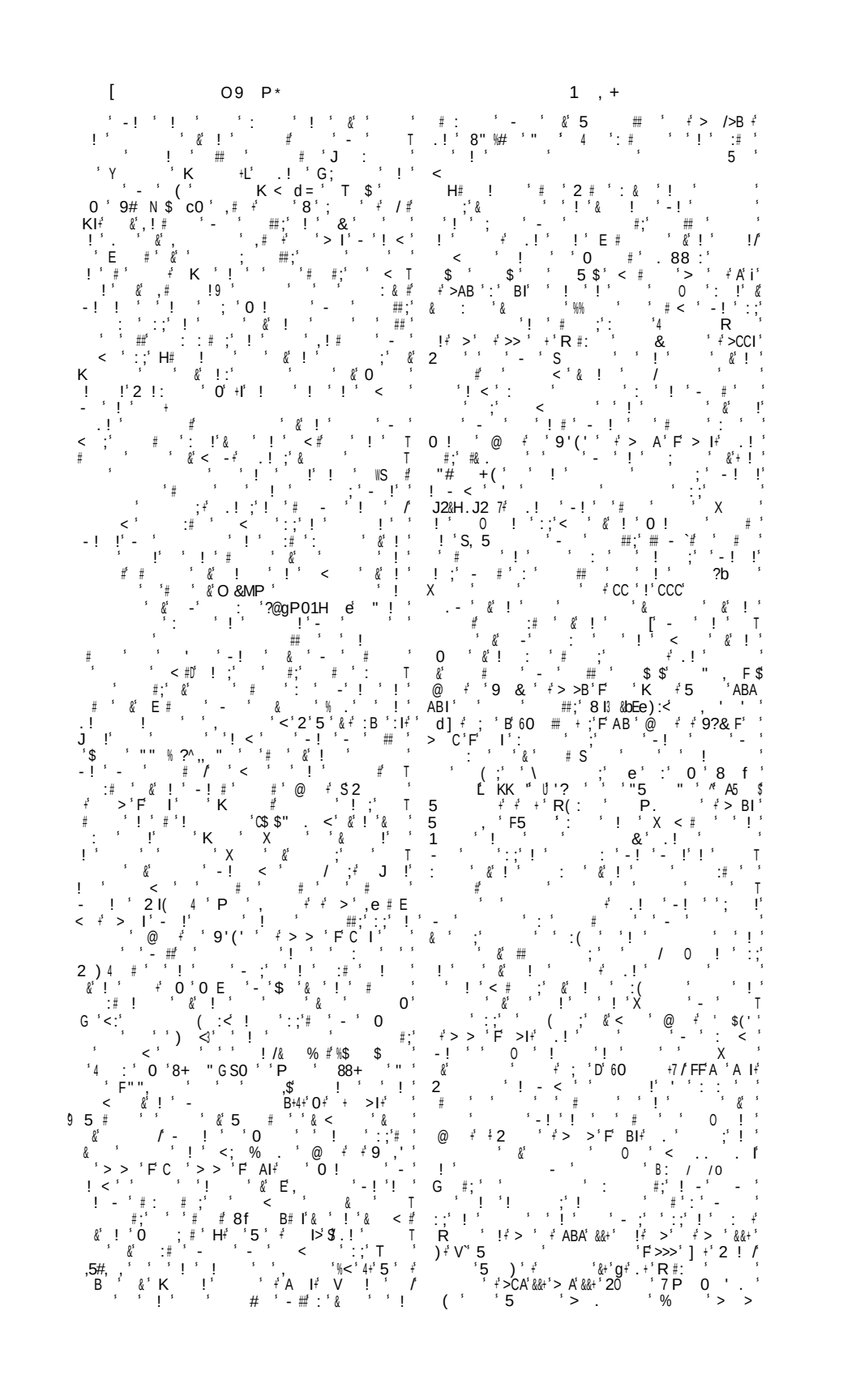

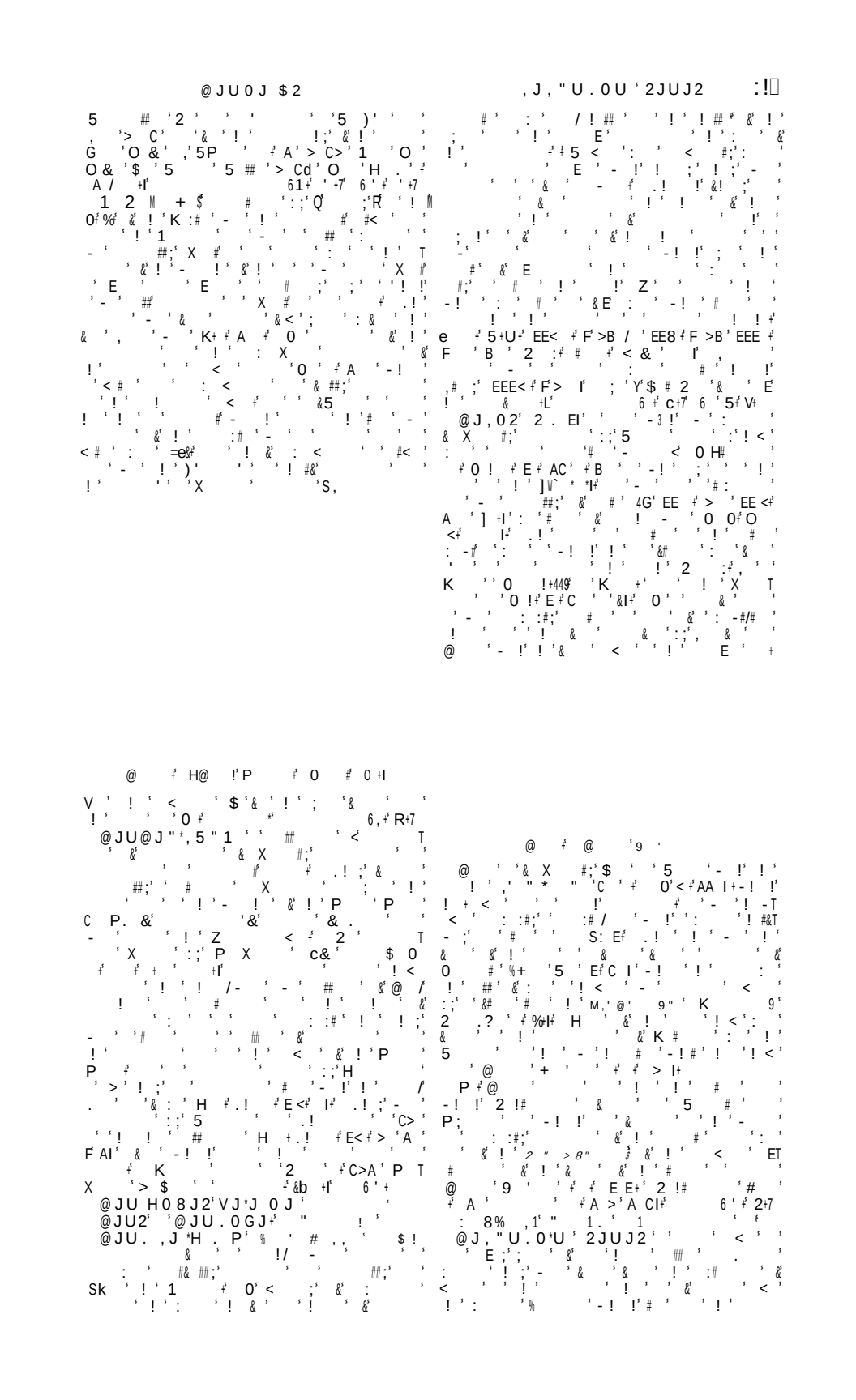

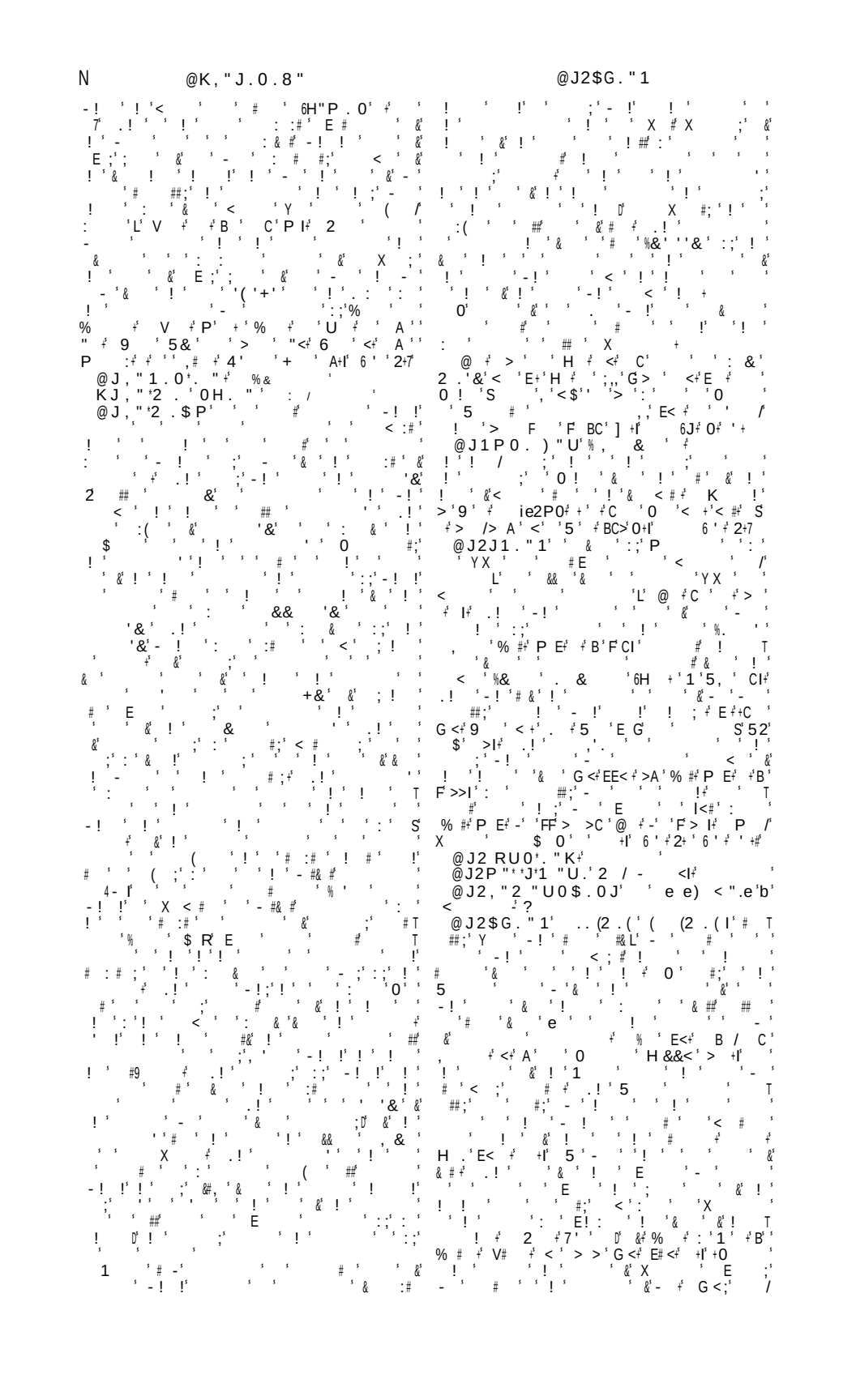

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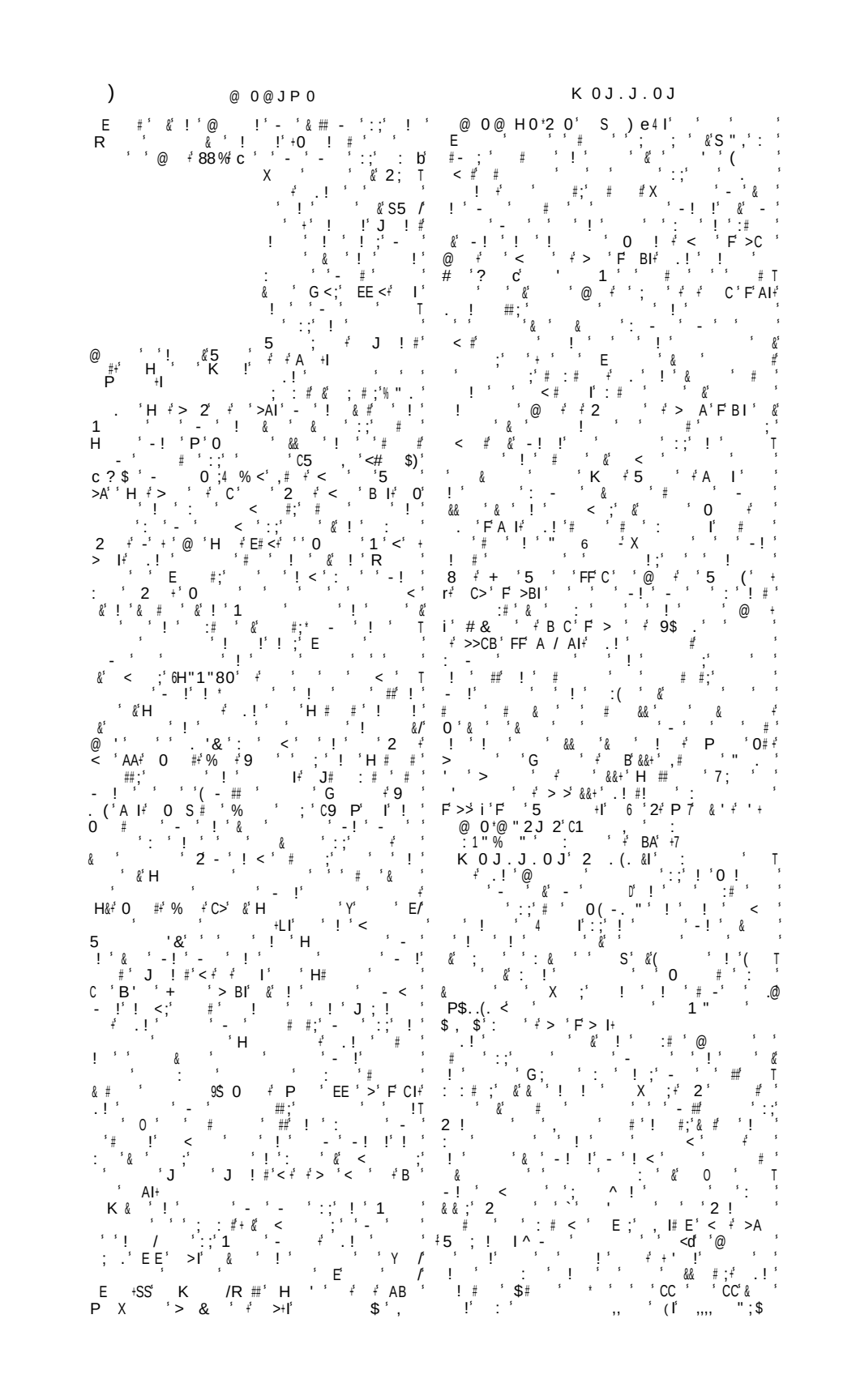

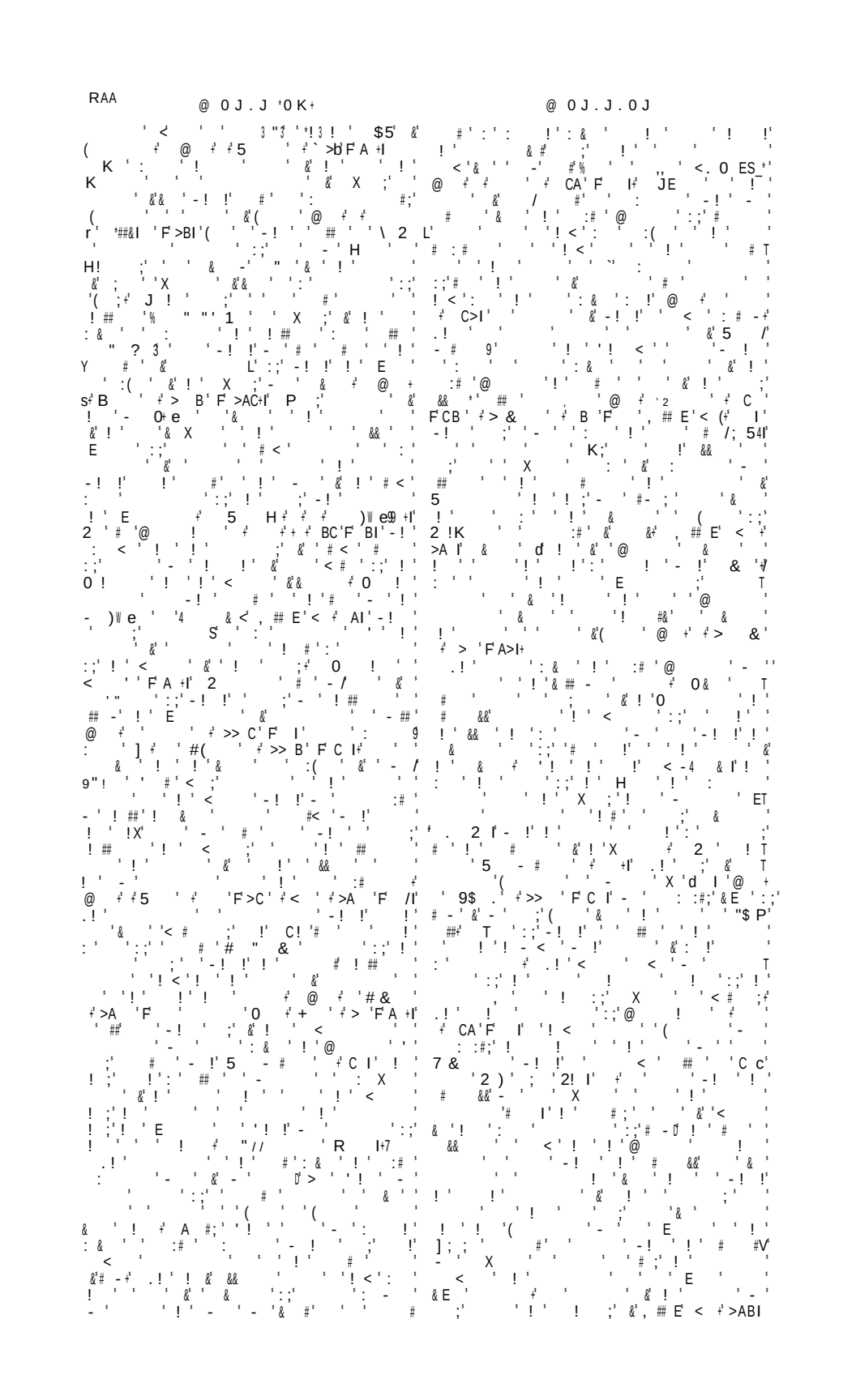

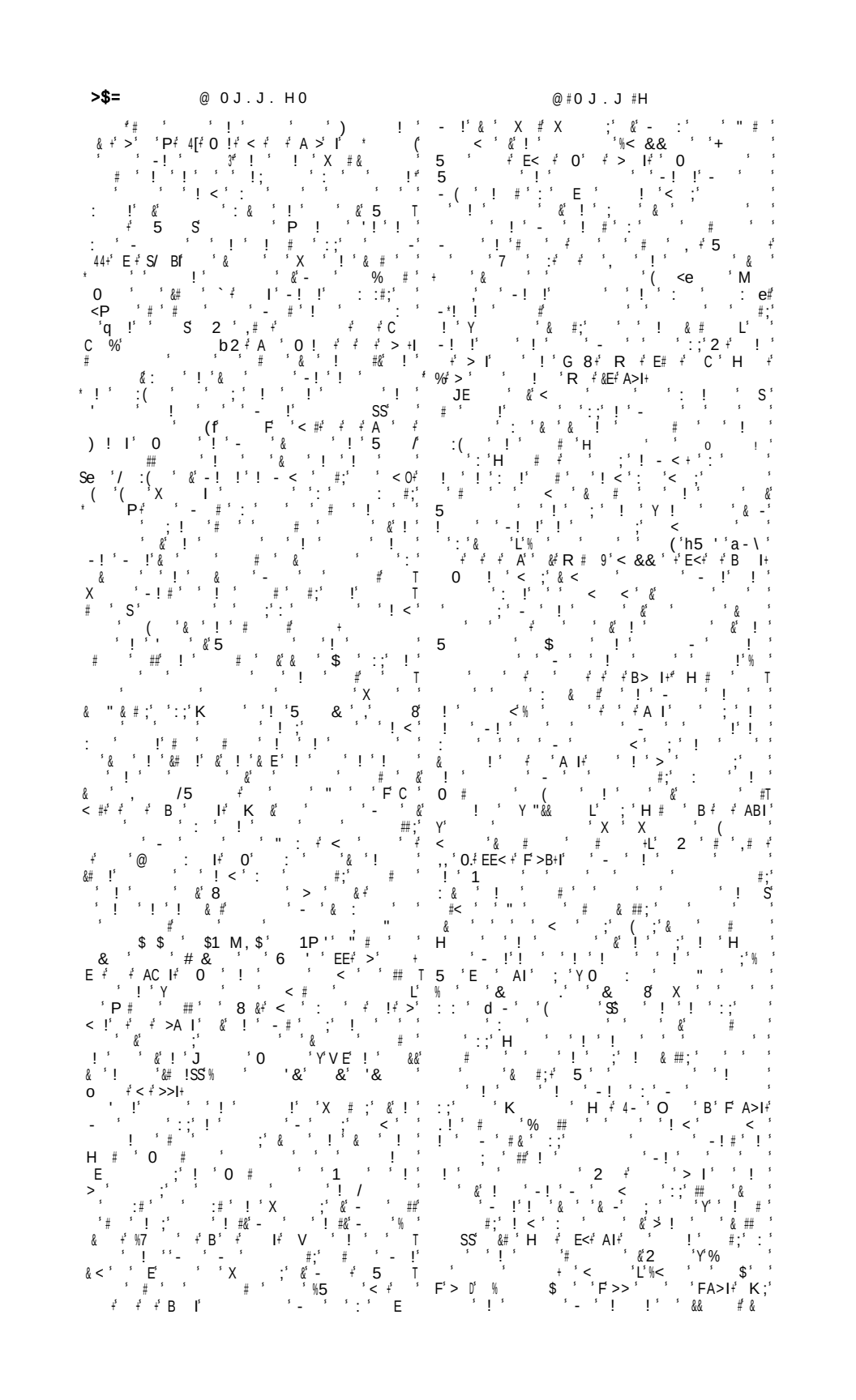

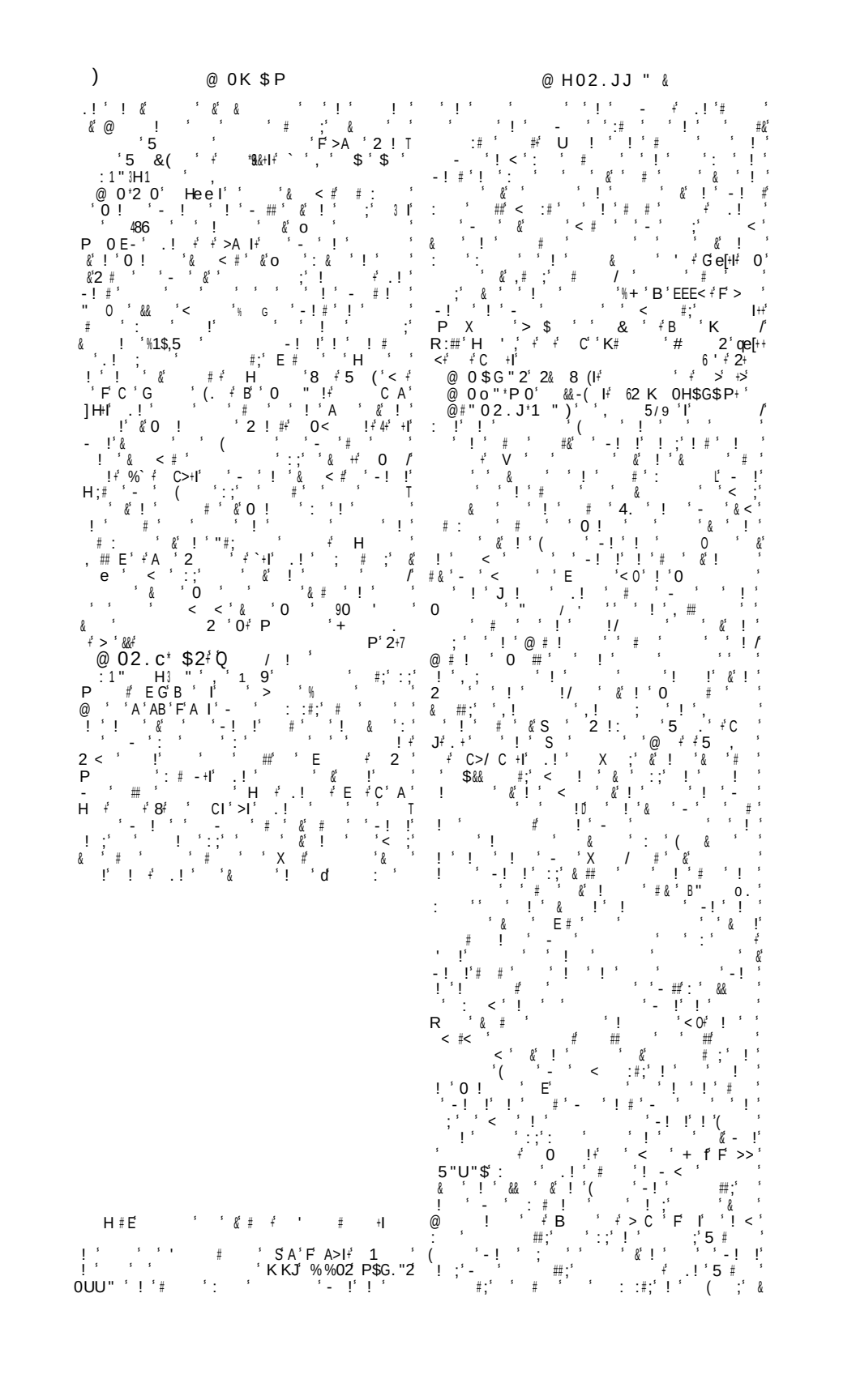

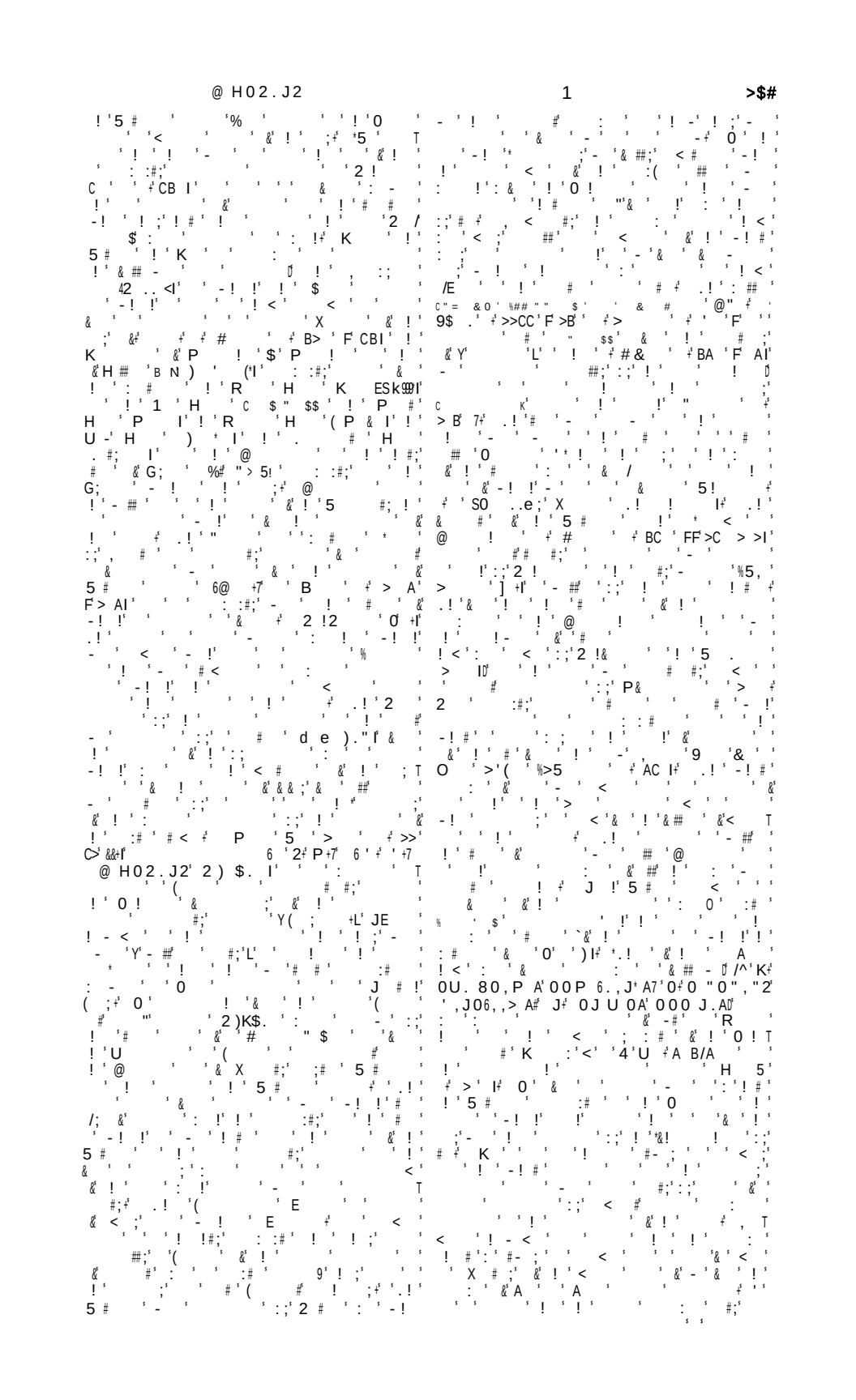

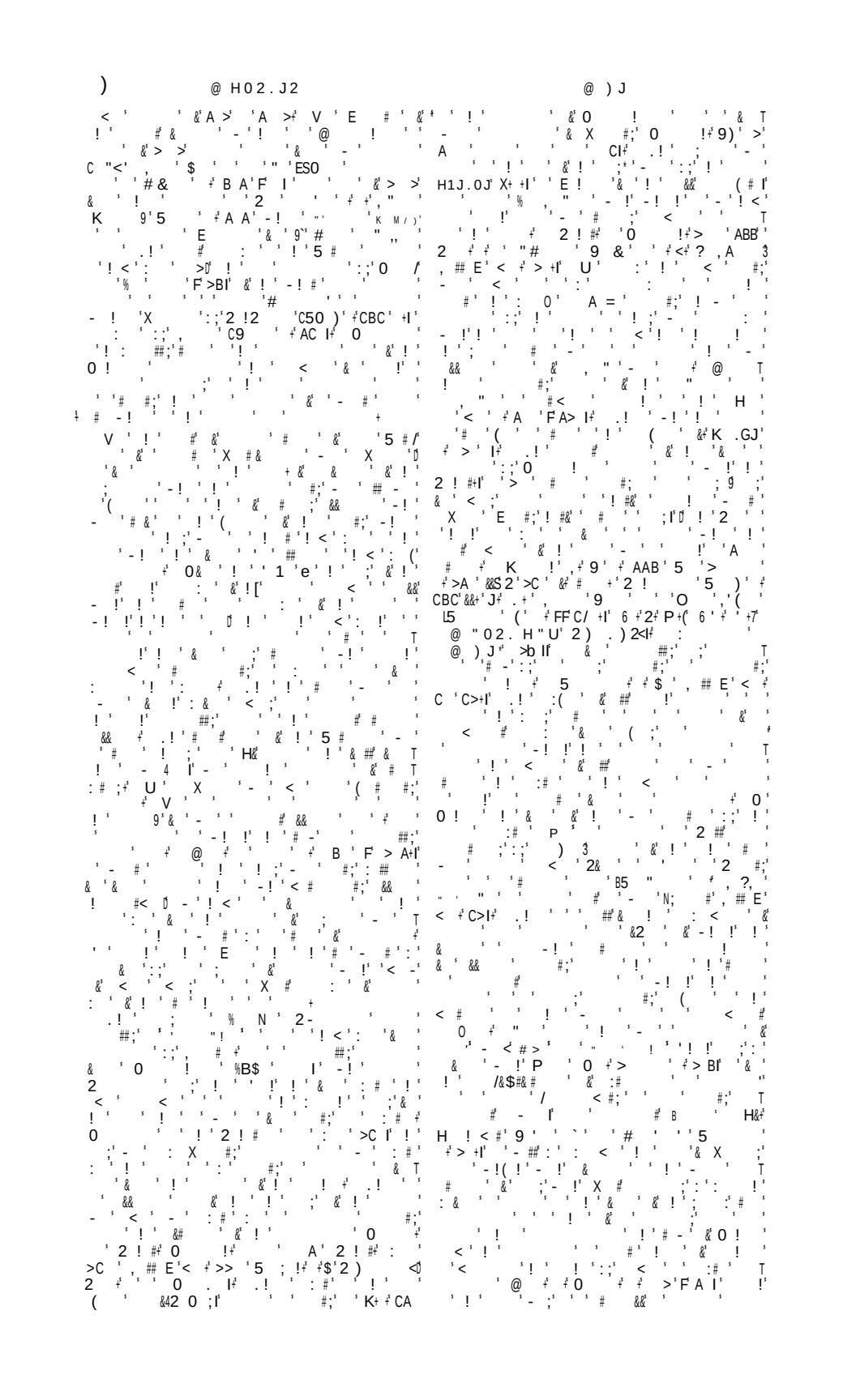

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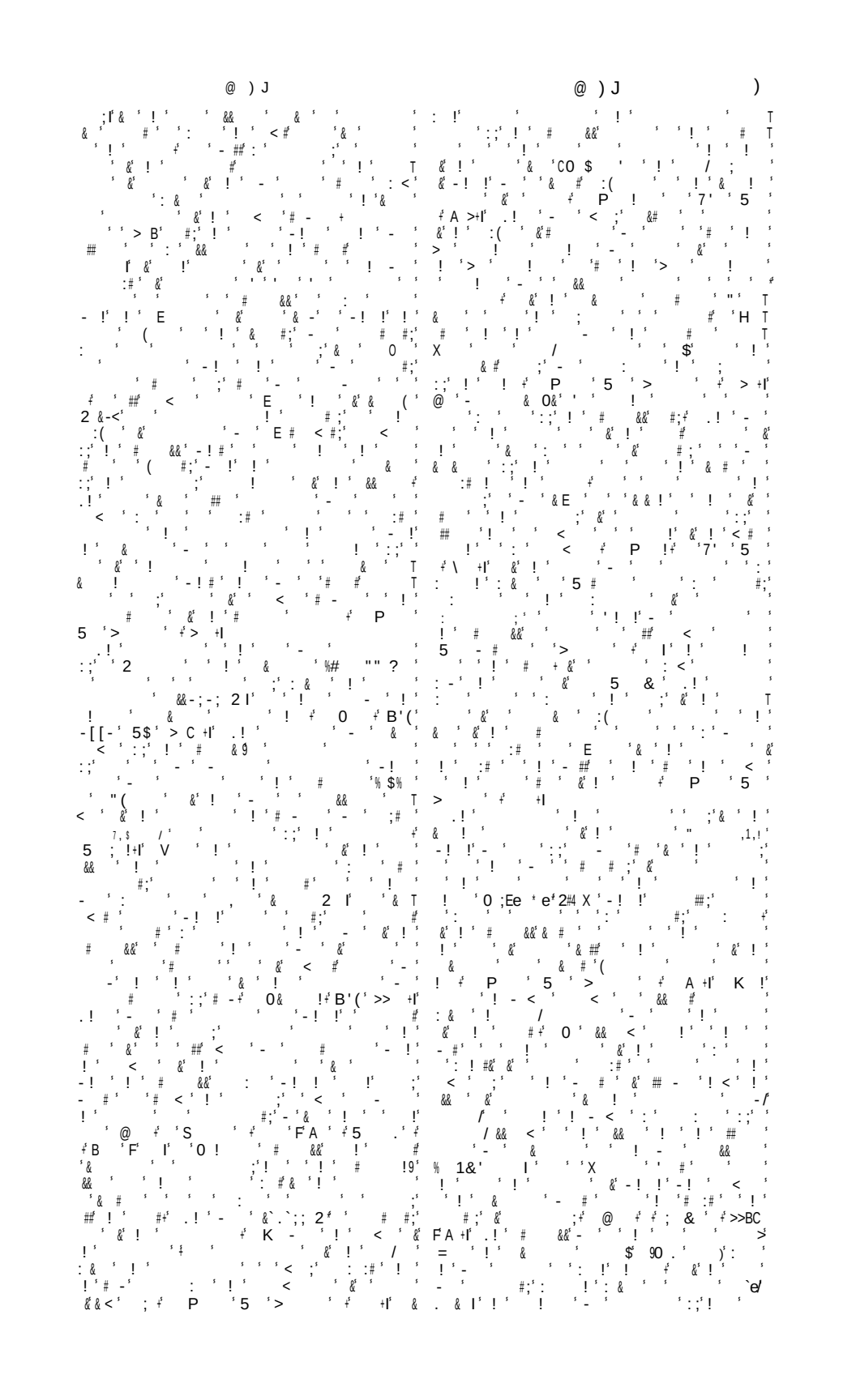

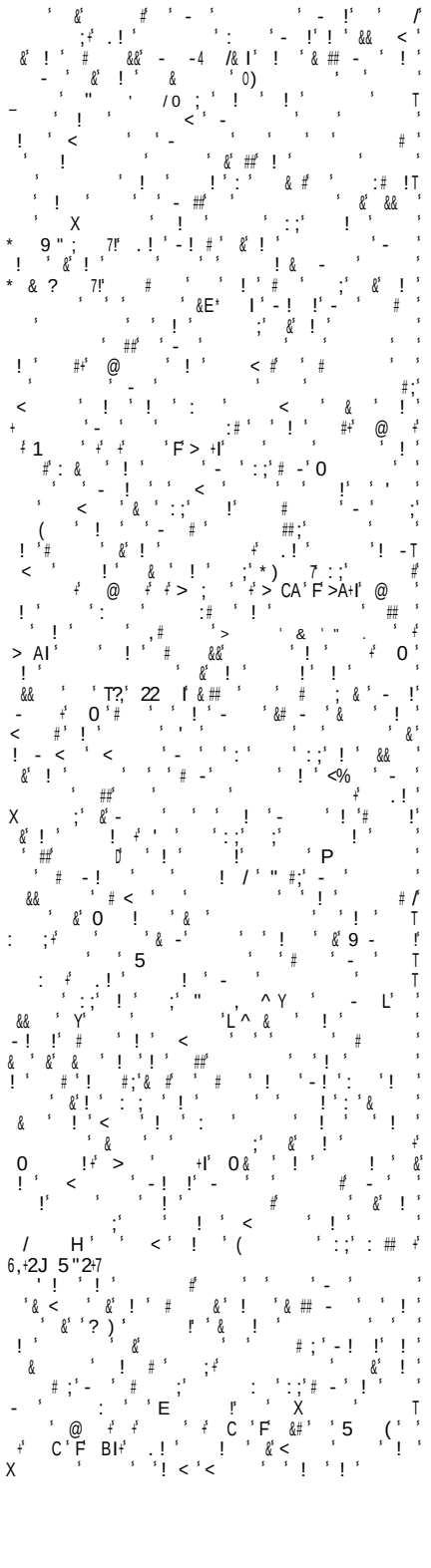

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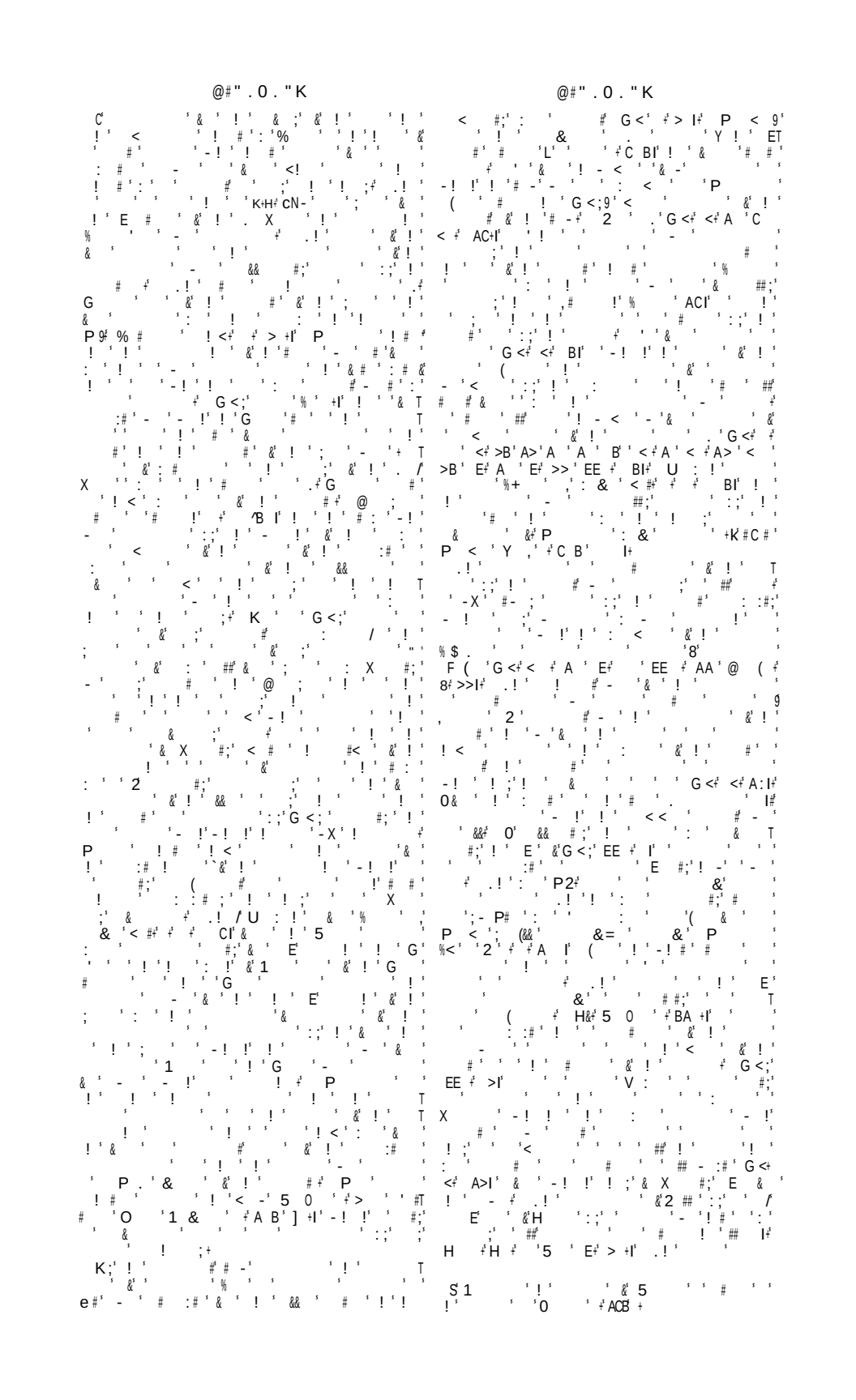

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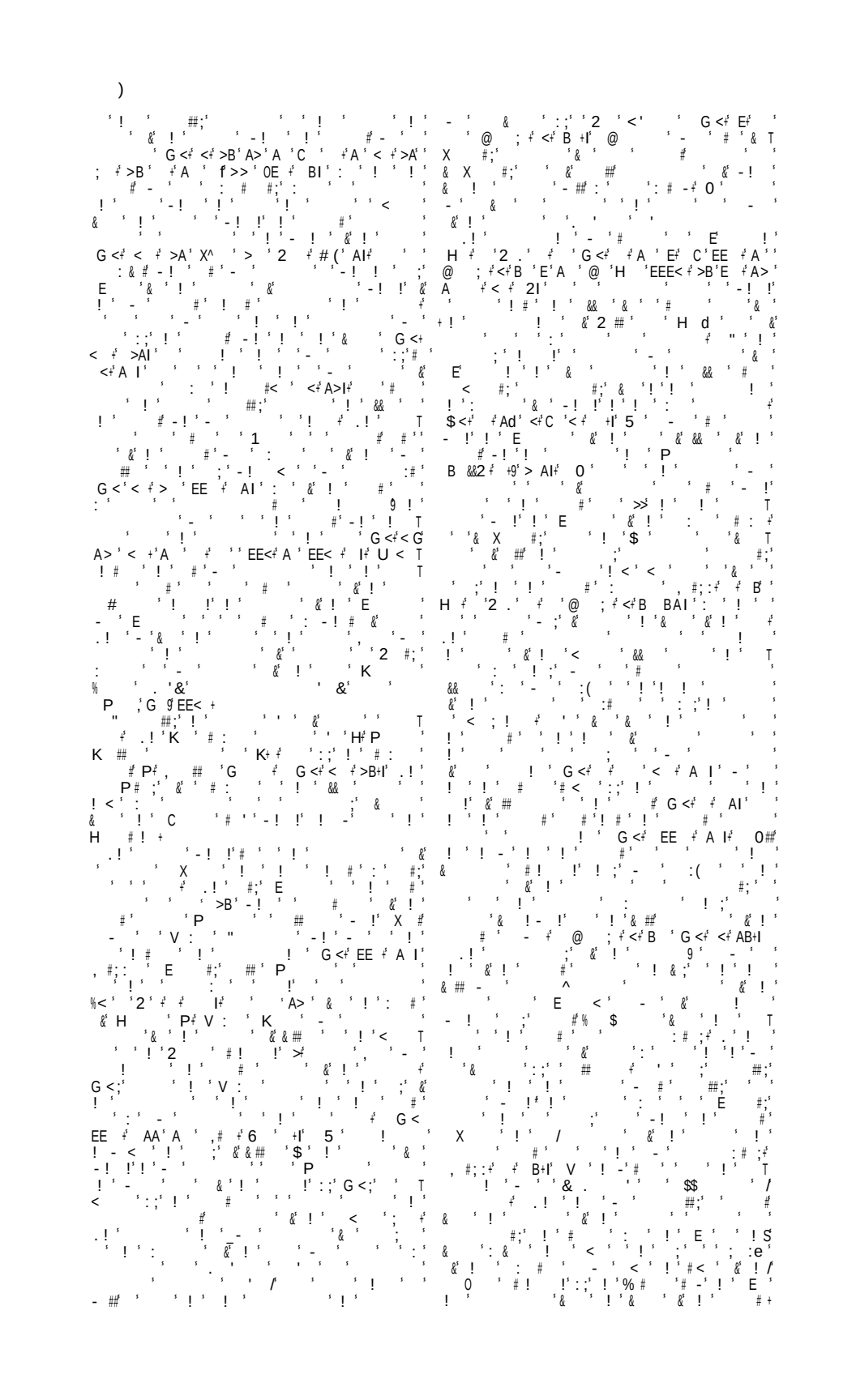

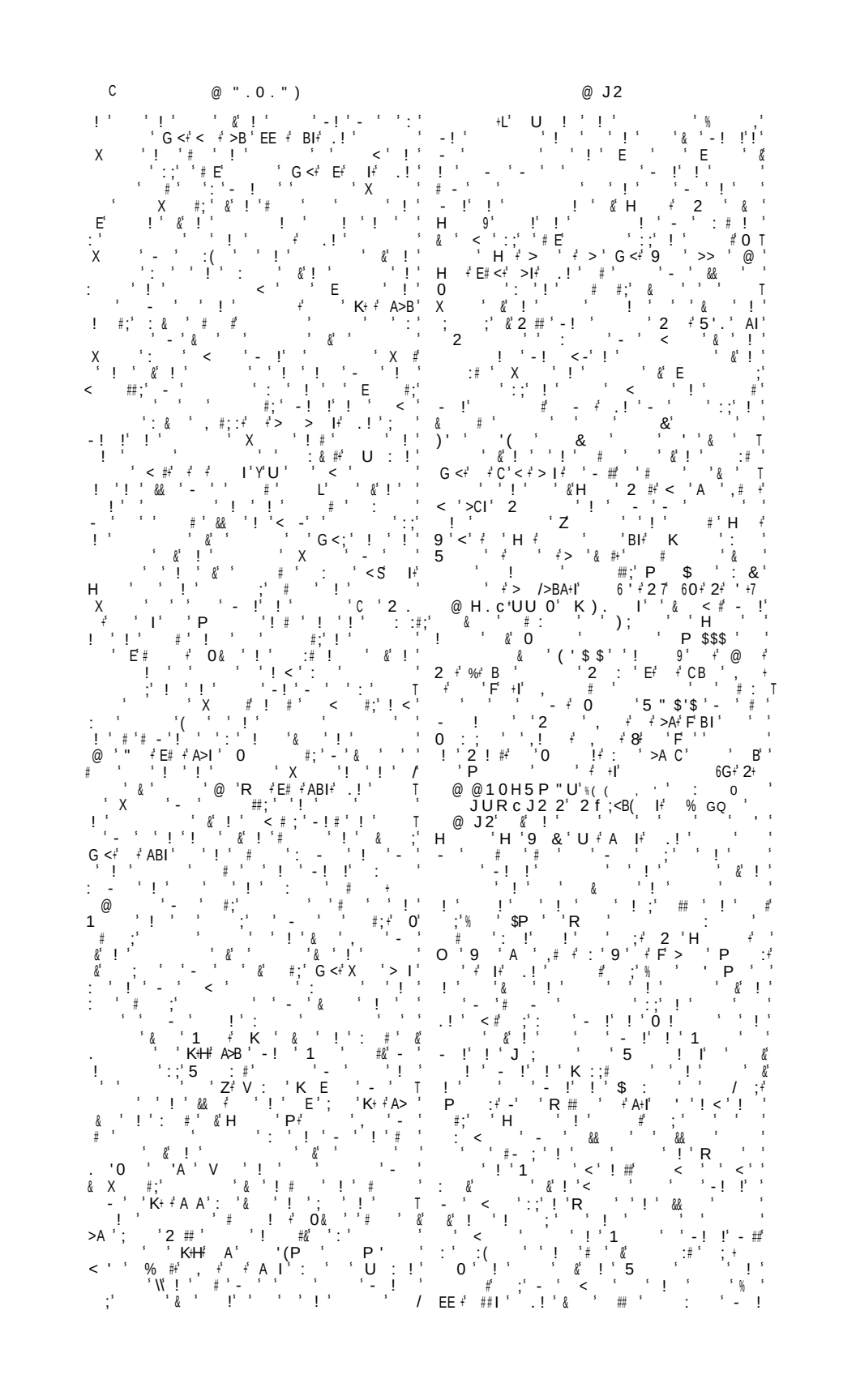

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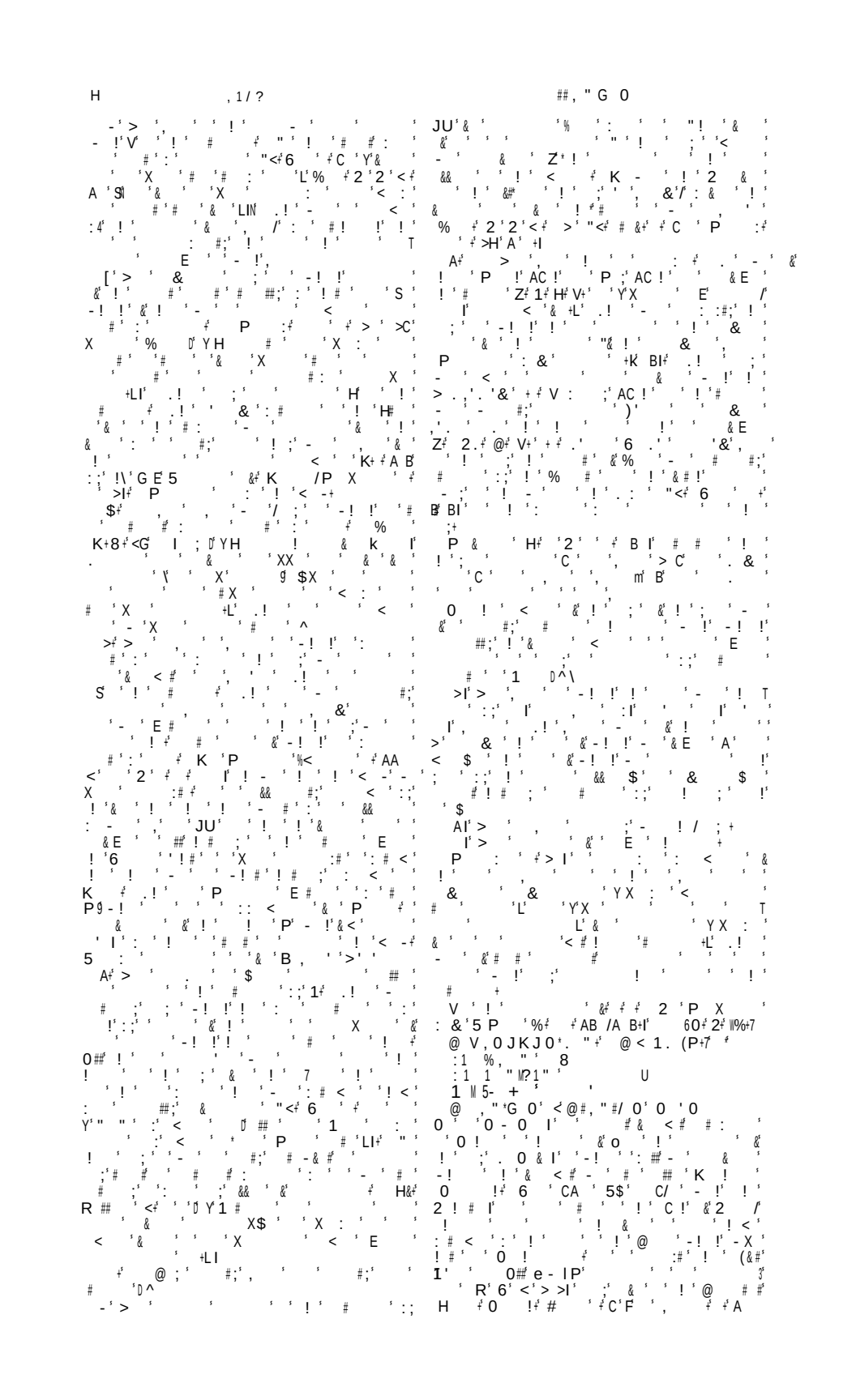

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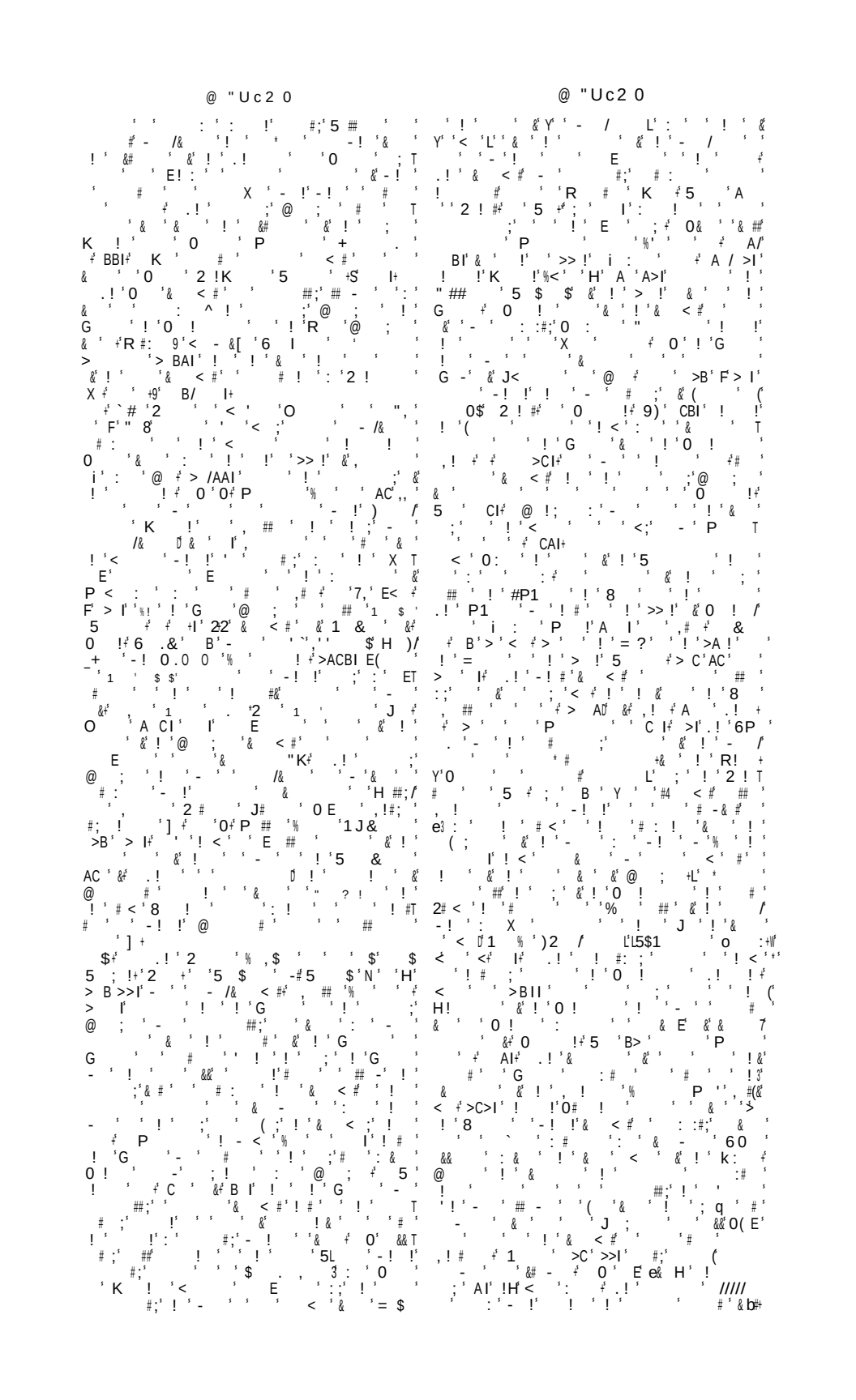
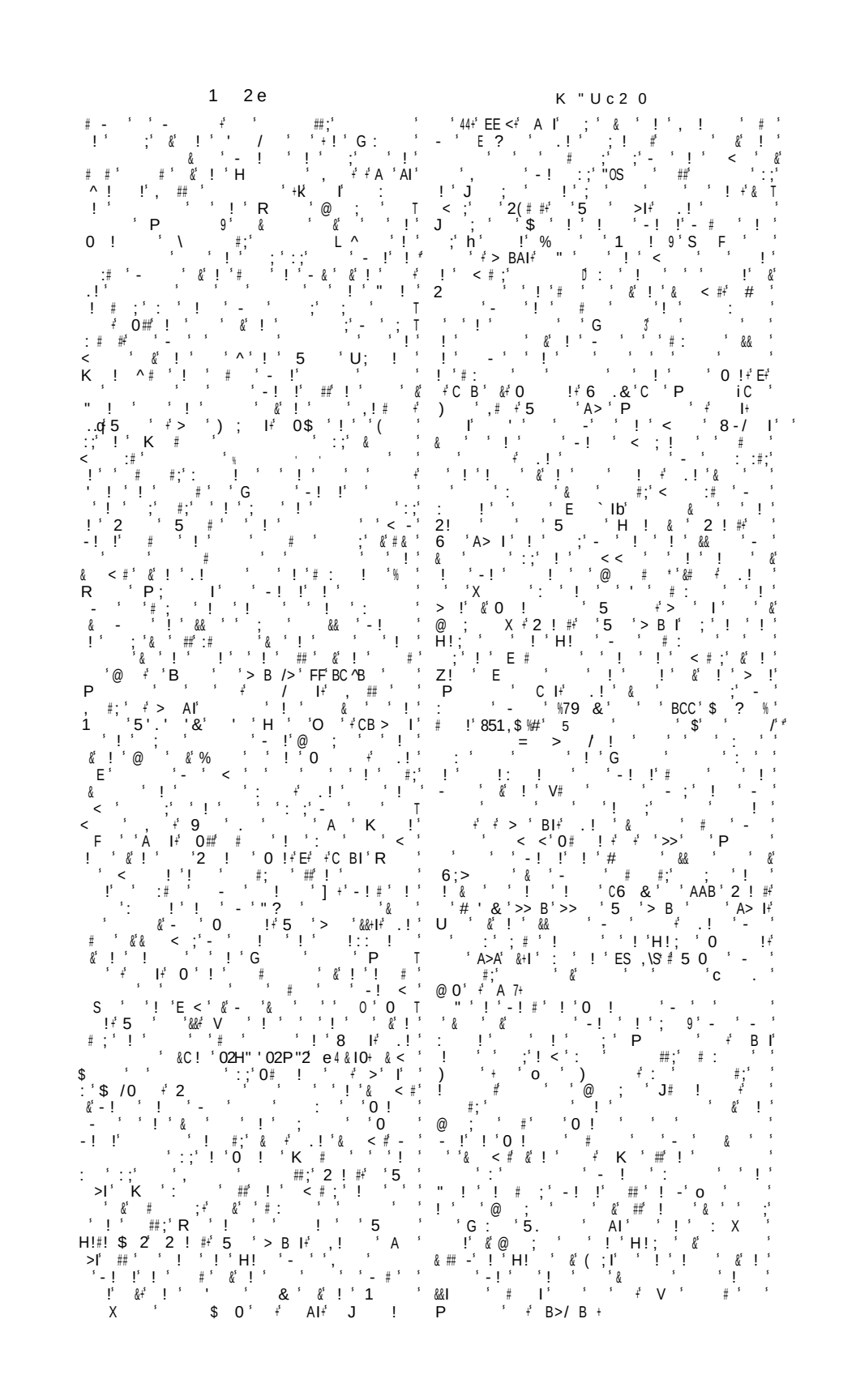
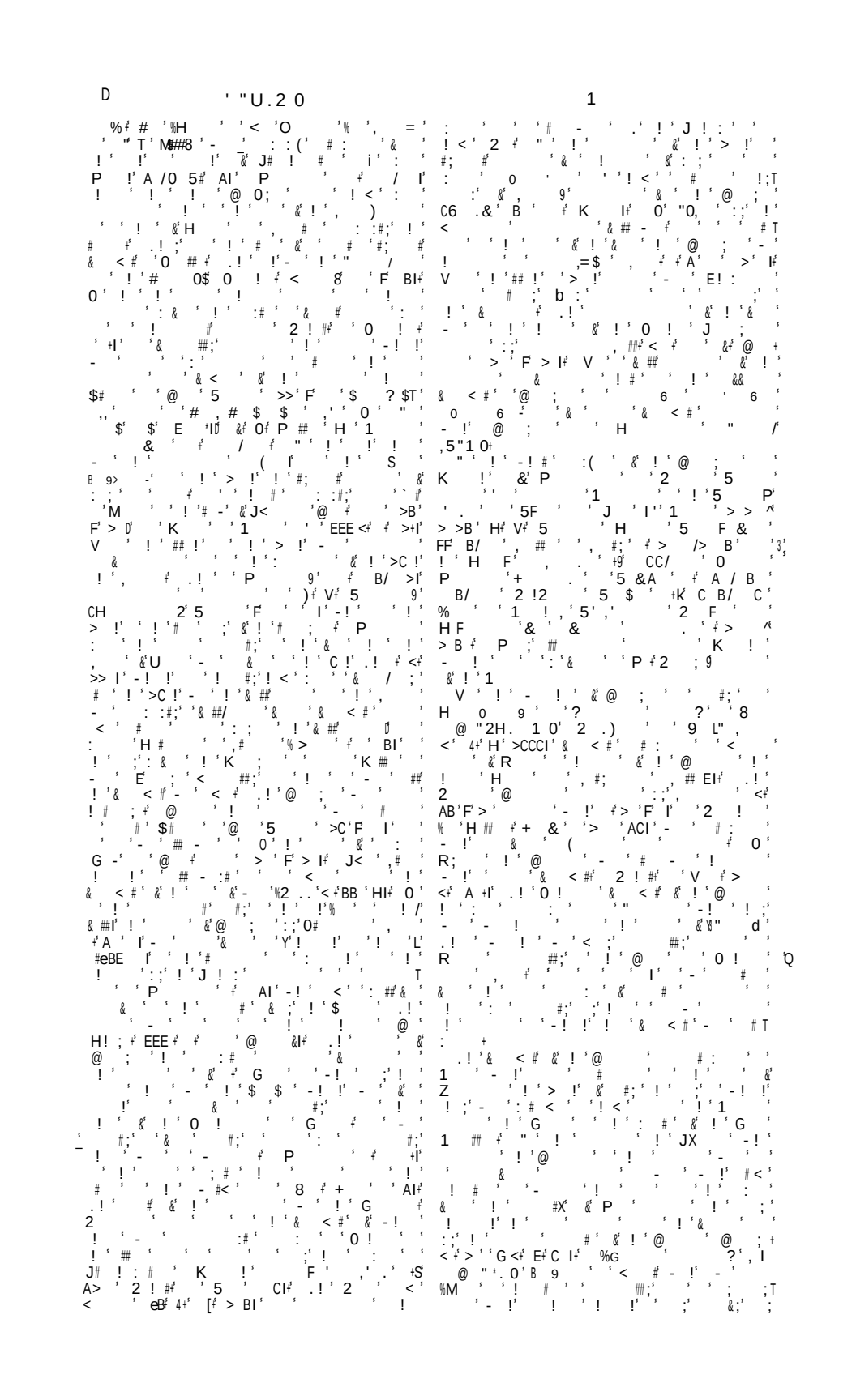
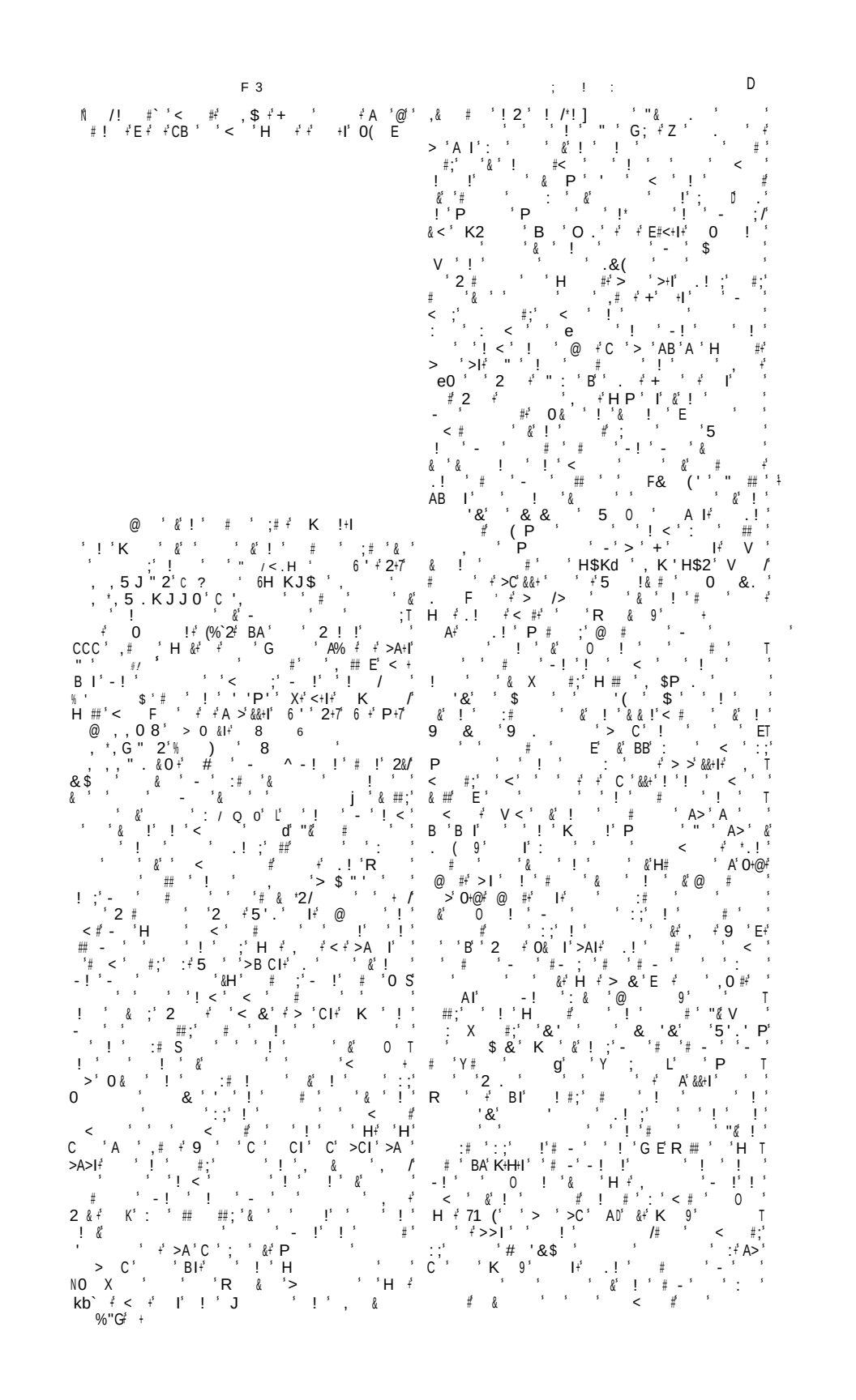
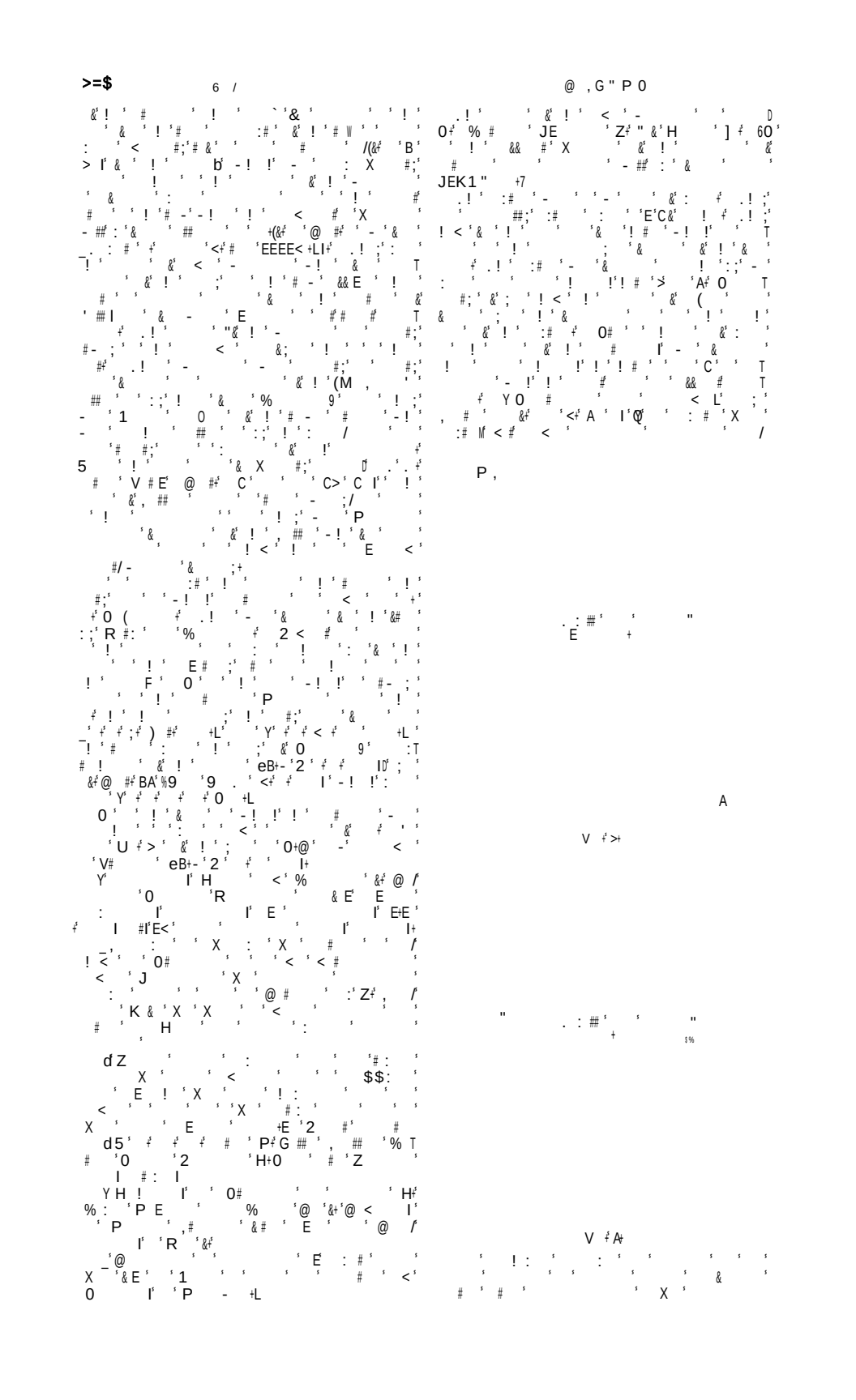










supra linum cerae signa imprimantur." (Cf. Suet. *Nero*, 17; Gaius, ii. 181; Just. *Inst.* ii. 16, 3.) But after the time of Antoninus Pius the holes 1 and 2 nearly always (*e.g.* Dipl. 51) do not appear, the only fastening being through 3 and 4 (*e.g.* Dipl. 51).

Fig. 2.

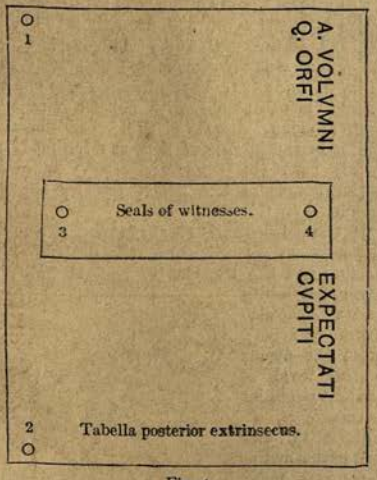


Fig. 4.

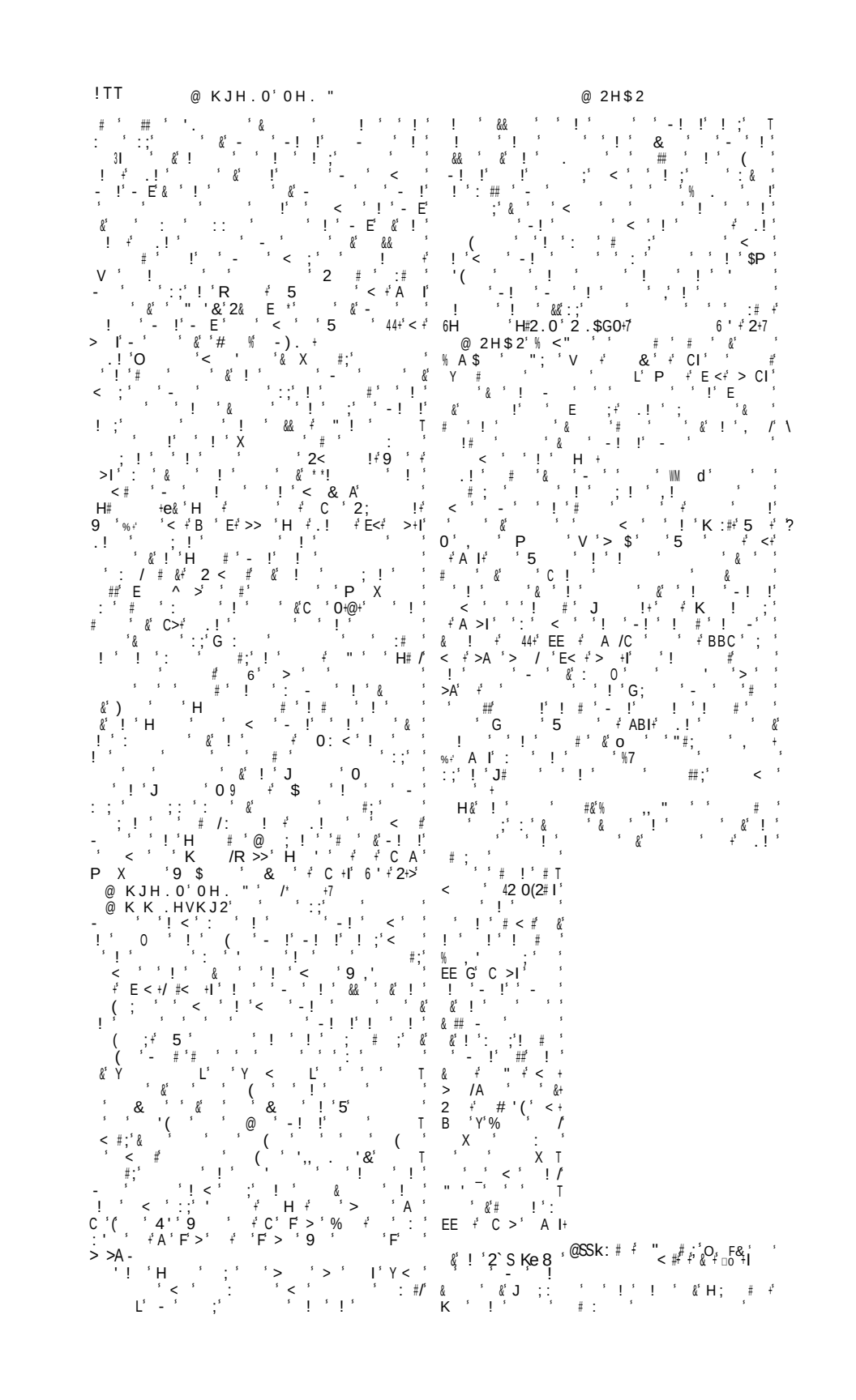
Originally an official document was written only on the inside tablets, the names of the witnesses alone being outside. But later the instrument was written on the outside as well: and such is the case with all our diplomata. The contents are written on the outside of *tabella prior* (Fig. 1), the lines running along the shorter side of the oblong. On the inside of *tabella prior* and *posterior* (Figs. 2 and 3), the diploma is again found in full in larger letters, the lines running along the longer side of the oblong and passing on from one tablet to the other. The writing here was after Trajan's time somewhat careless, with many abbreviations; also the locality where the diploma was fixed was omitted or inadequately specified. The inner side of *tabella posterior* was not used at all in the diplomata of the third century. Fig. 4 shows the outside of *tabella posterior* which contained the names of the witnesses. These names were cut at the same time as the rest of the document; and the witnesses gave their attestation by affixing their seals in the vacant space in the middle of the tablet, after comparison of the law and the copy. See Mommsen in *C. I. L.* iii. p. 902 ff.; *Ephemeris Epigraphica*, ii. 452–466; iv. 181–187, 495–515; v. 92–104, 610–617, 652–656. [L. C. P.]

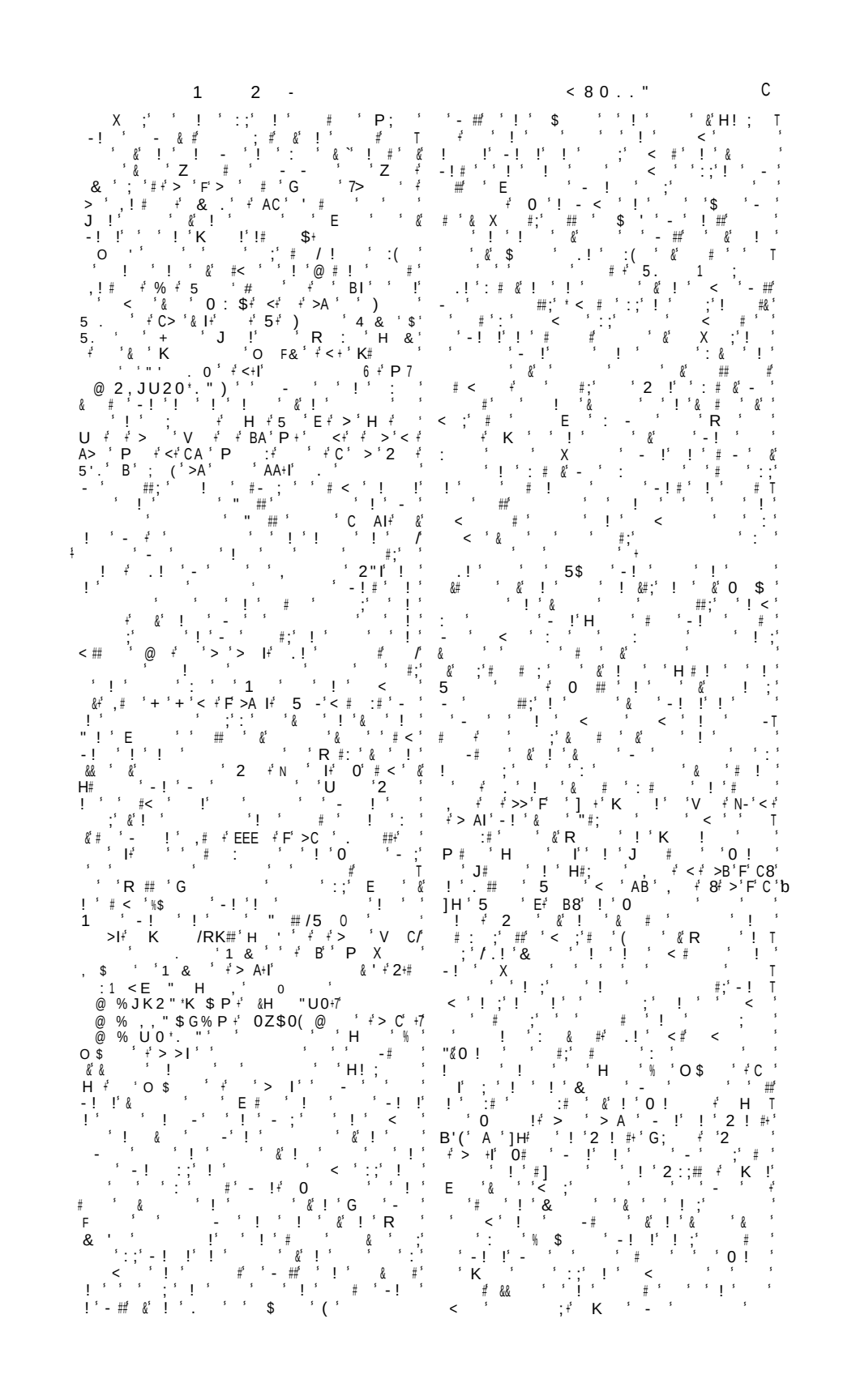
DIPO'LIA. [DIIPOLIA.]

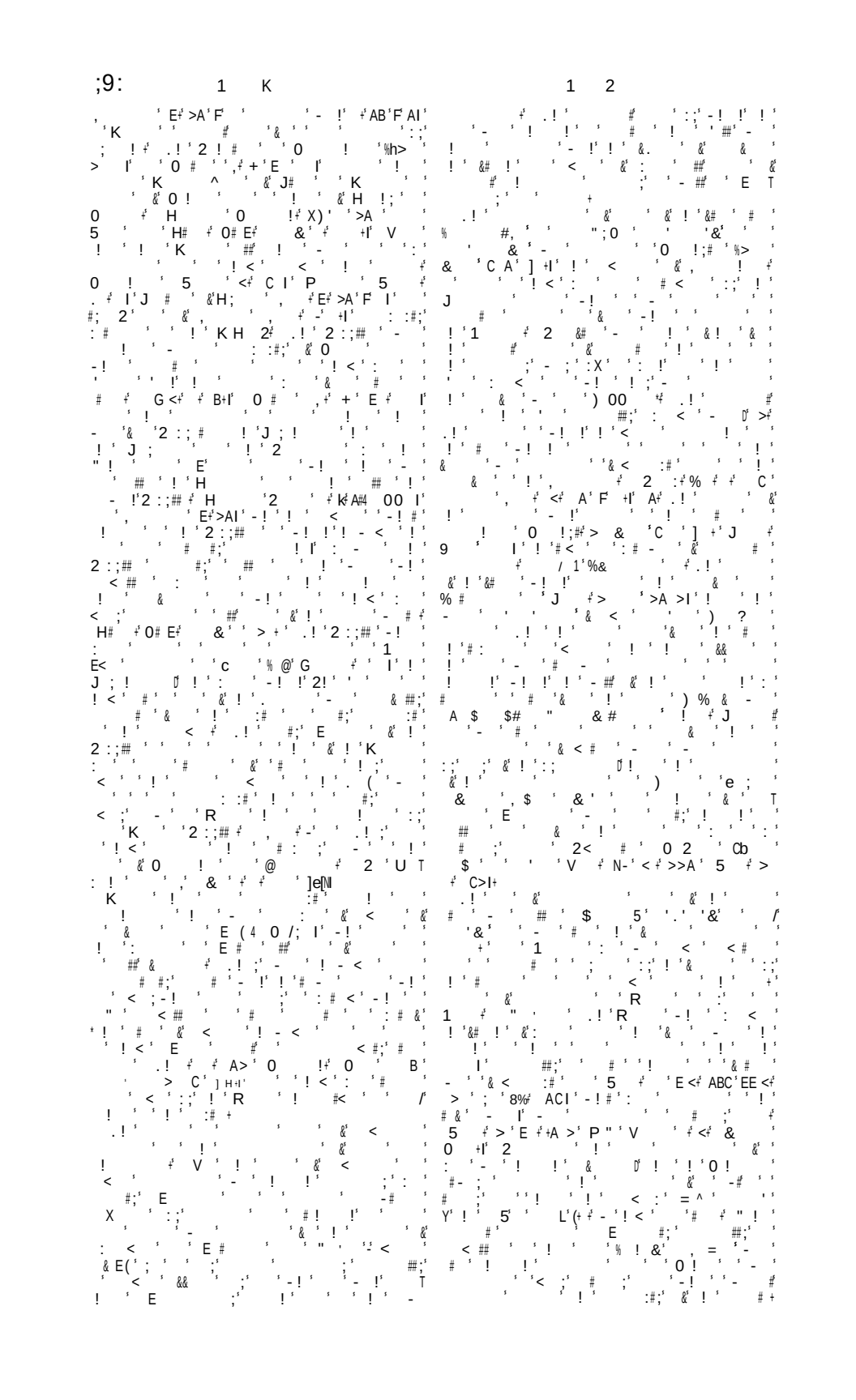
DI'PTEROS (δίπτερος). [TEMPLUM.]

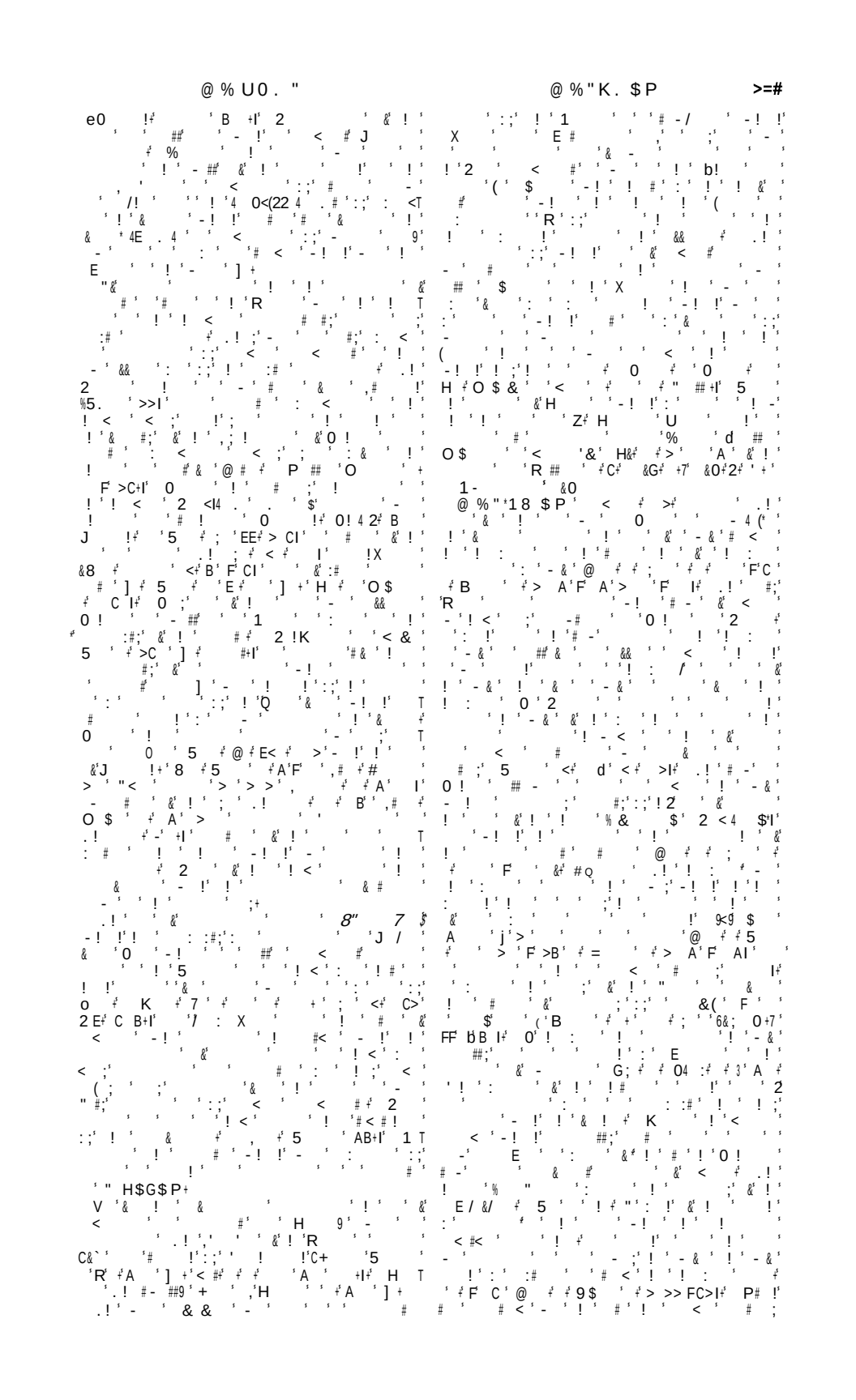
DI'PTYCHA (δίπτυχα, from πτύσσω, "to fold"), two writing tablets (*tabulae* or *tabellae*,

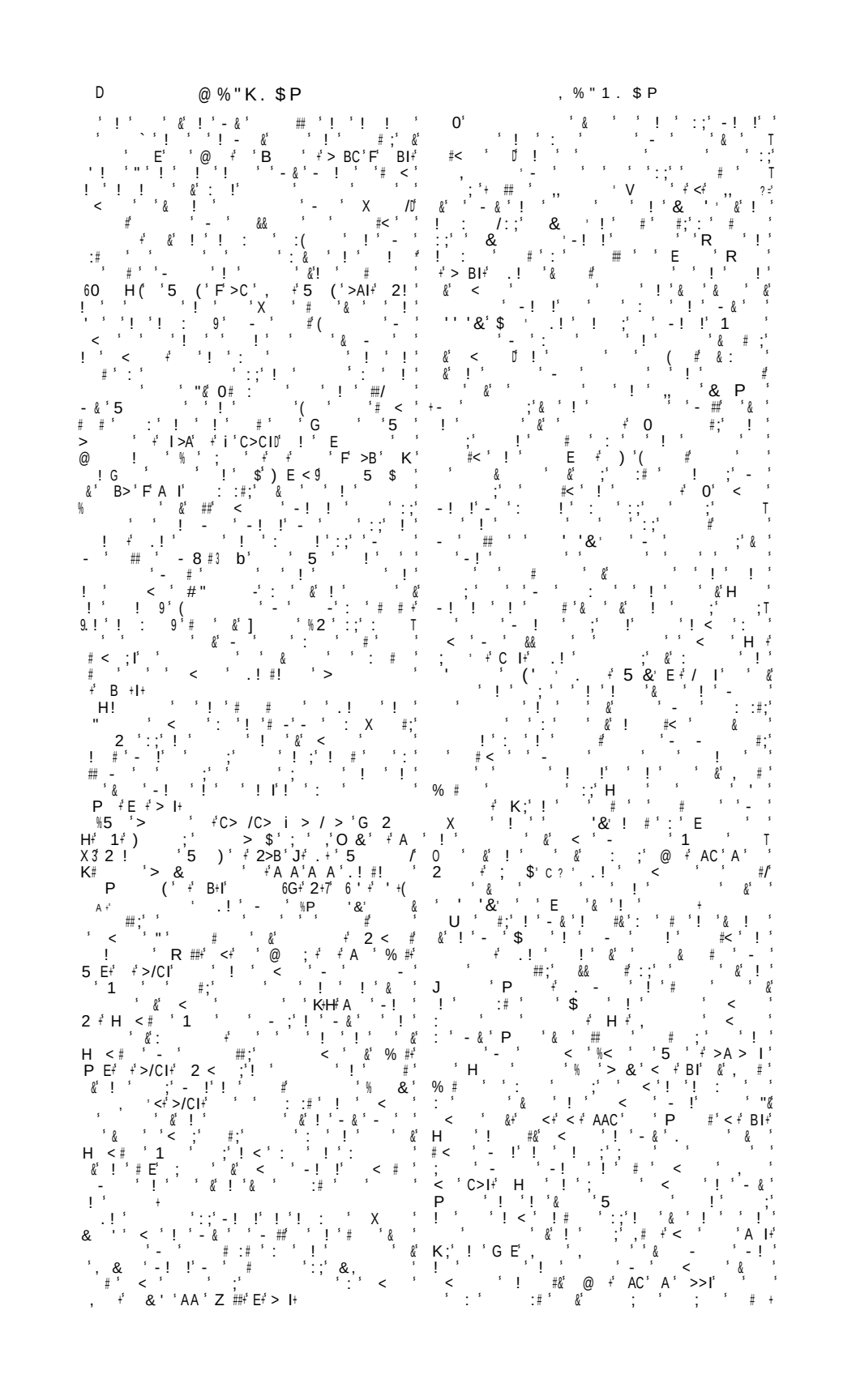
Diptycha Consularia of Clementinus, A.D. 513. (Labarte.)

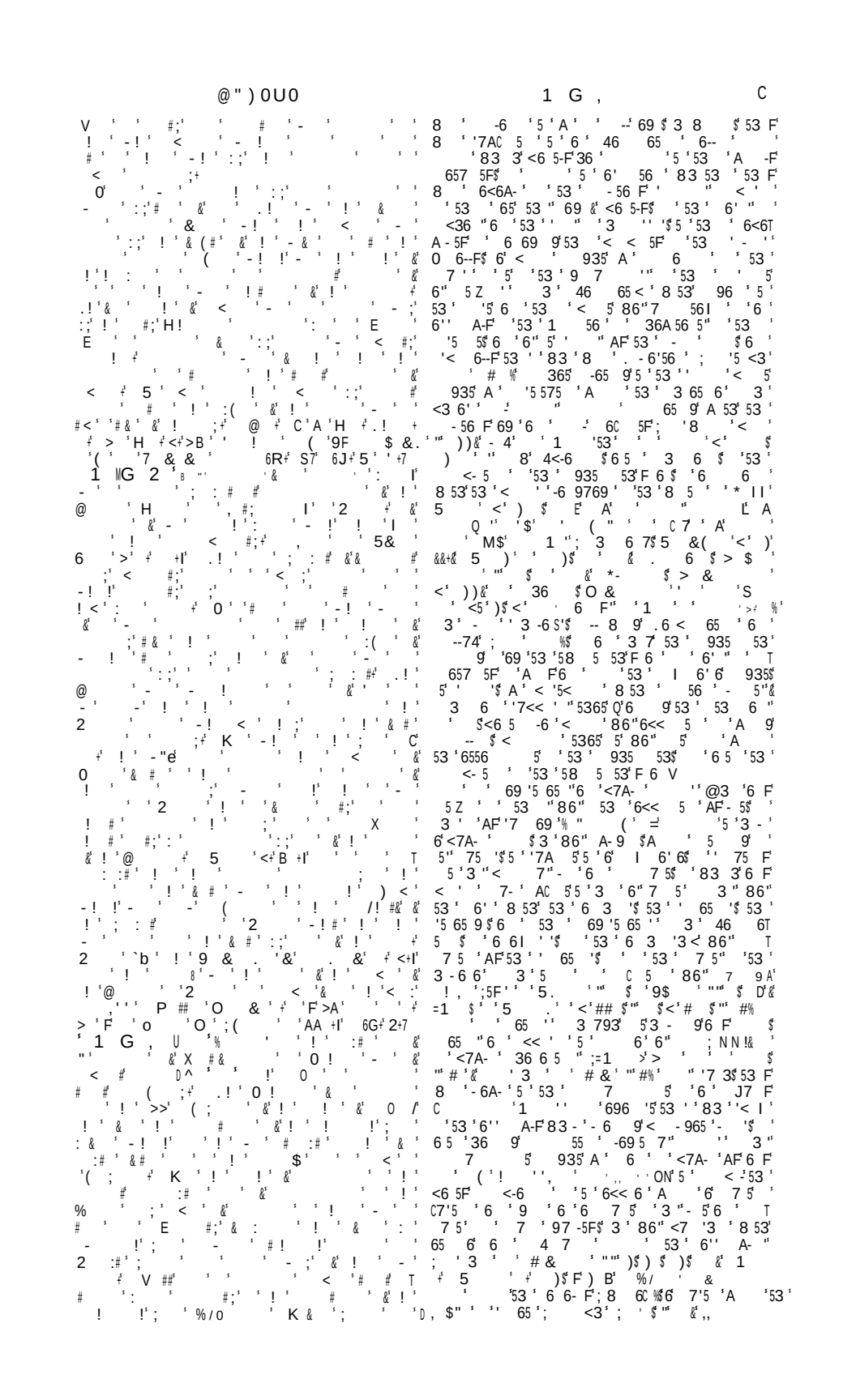


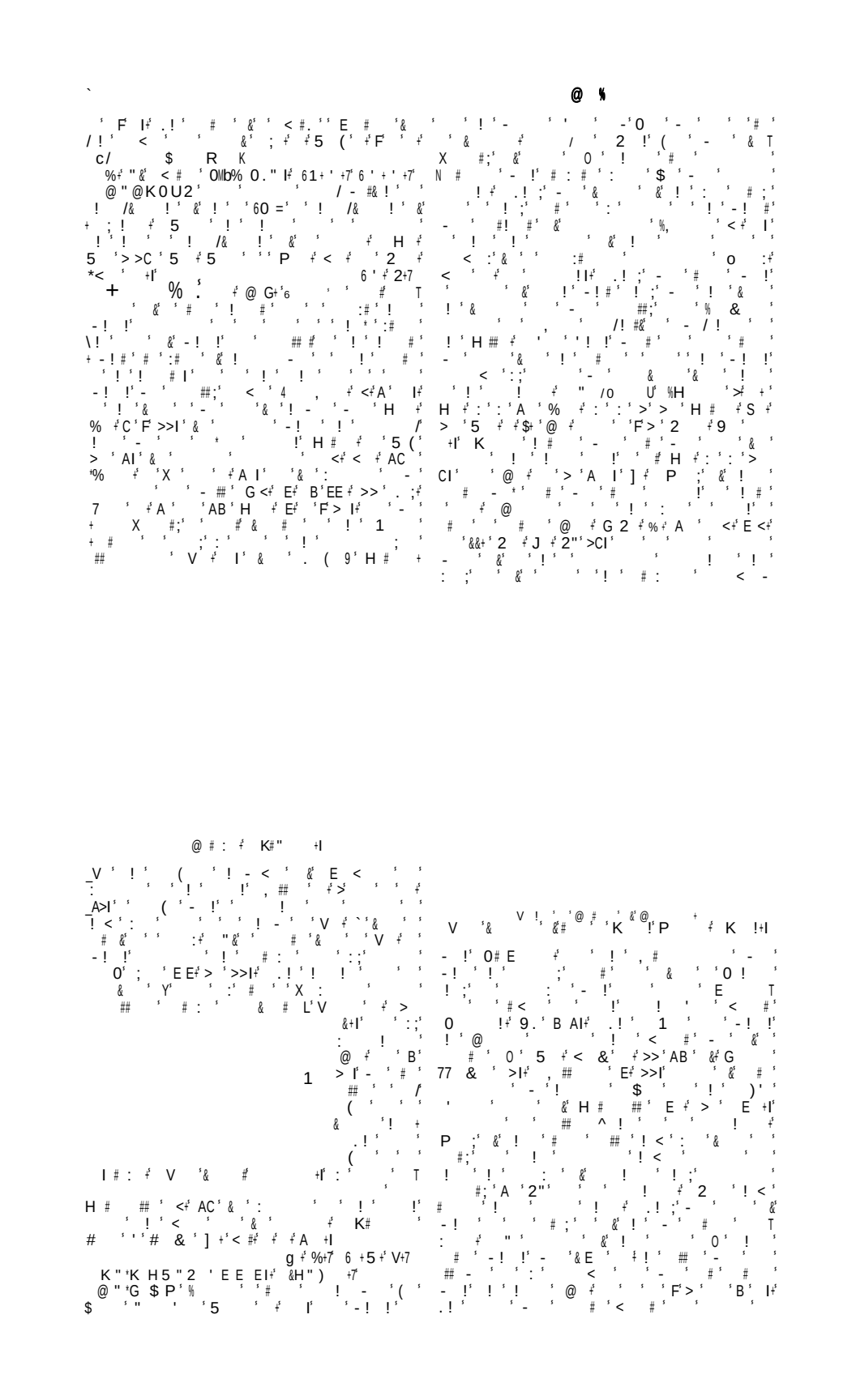


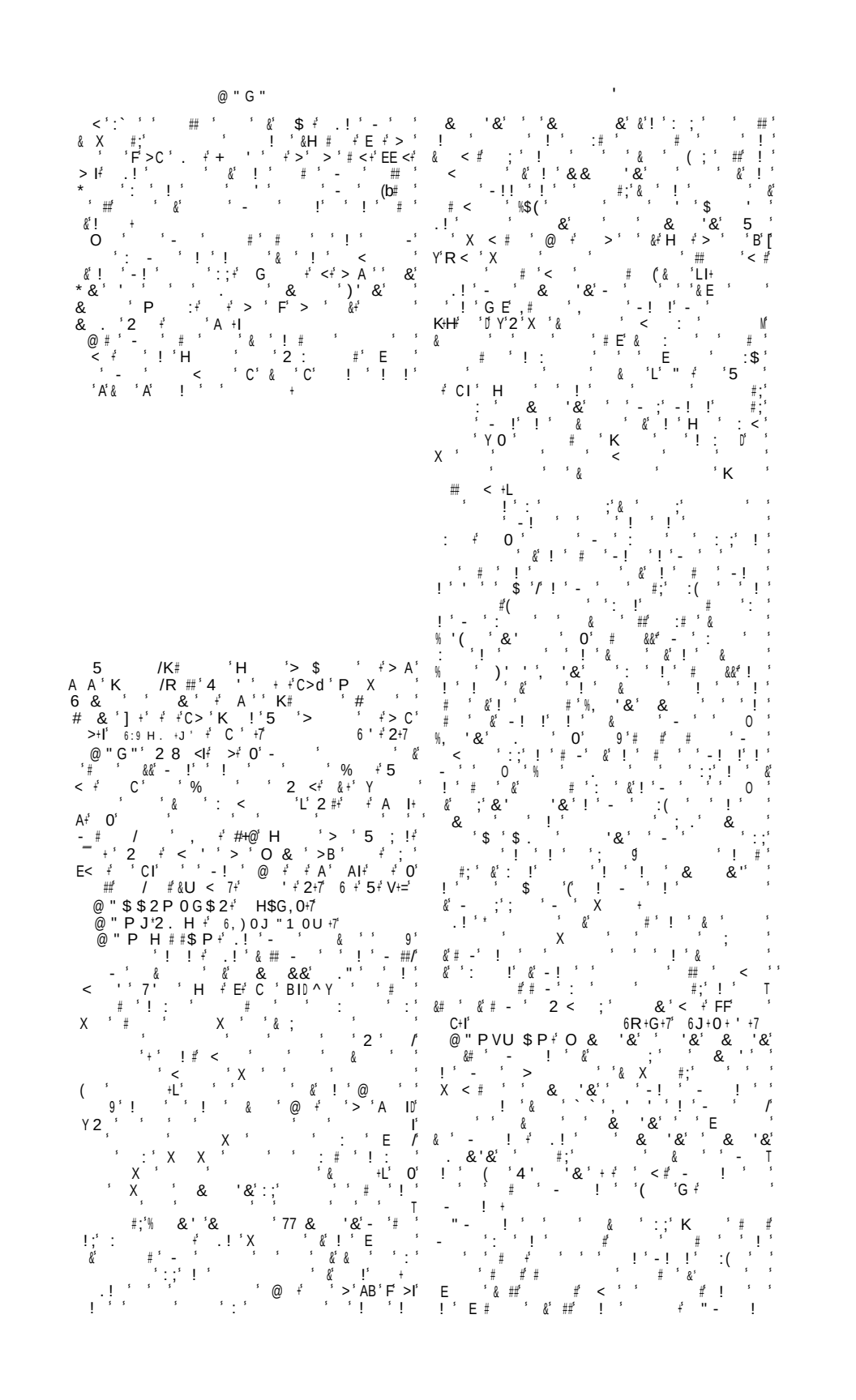












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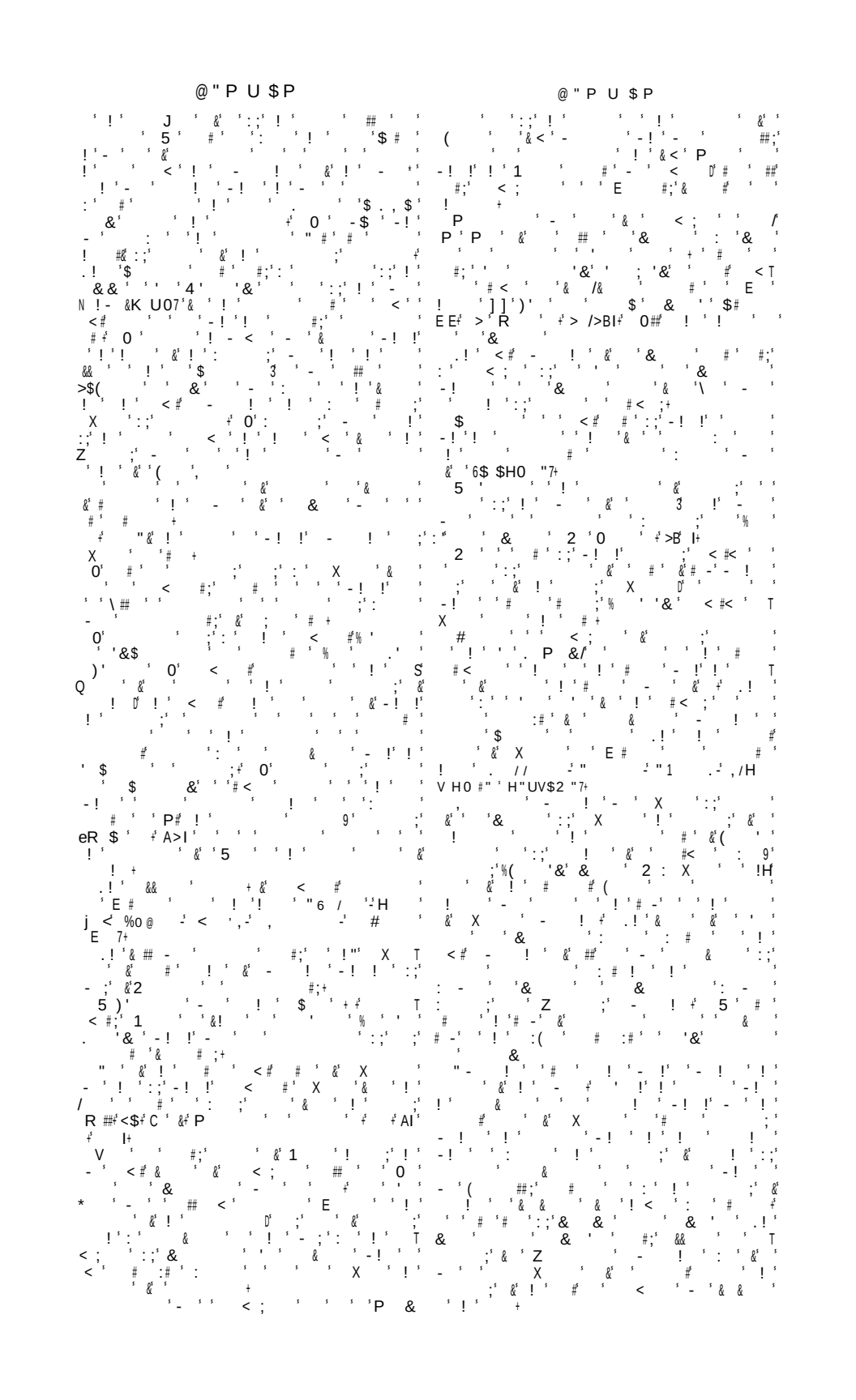

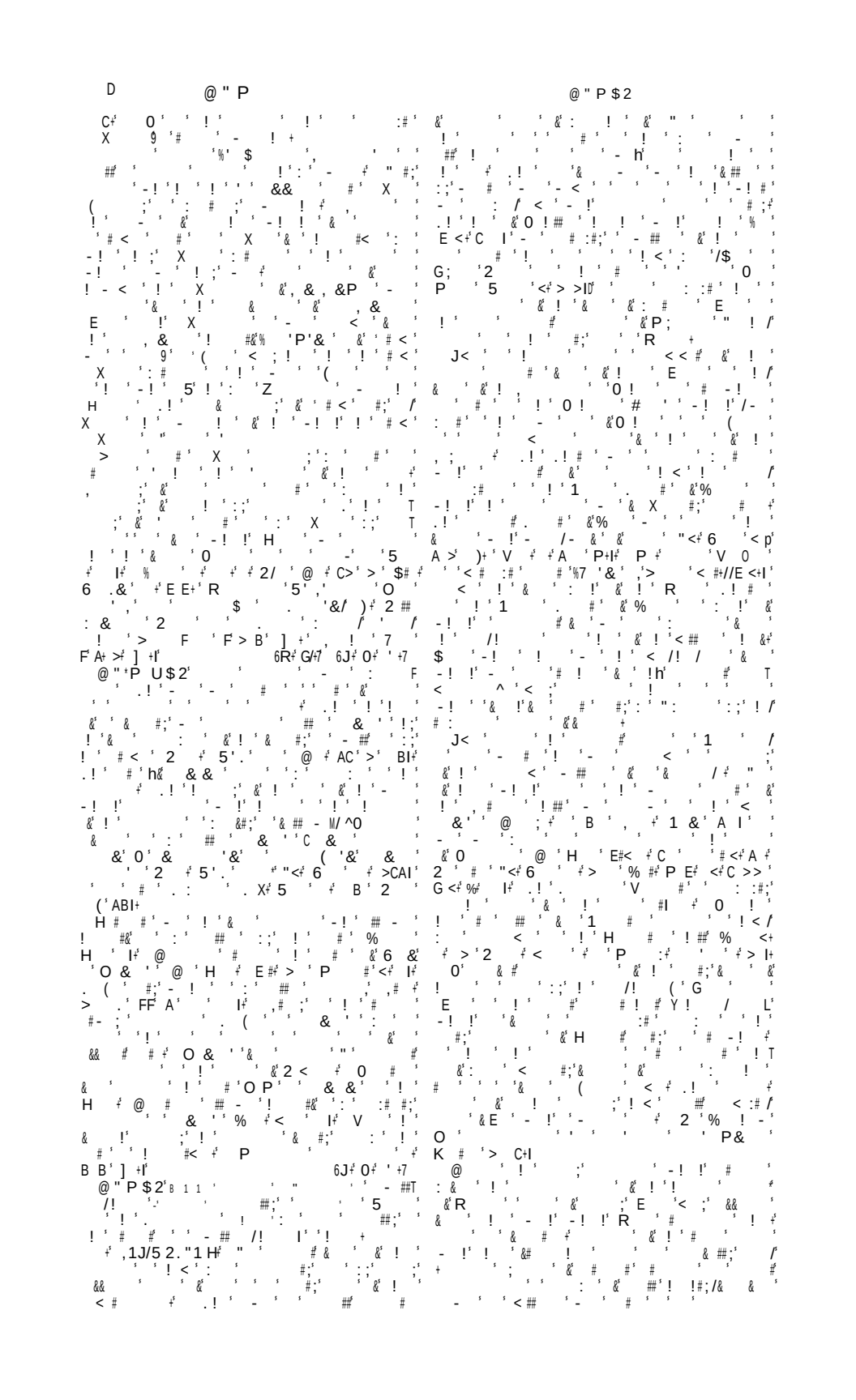

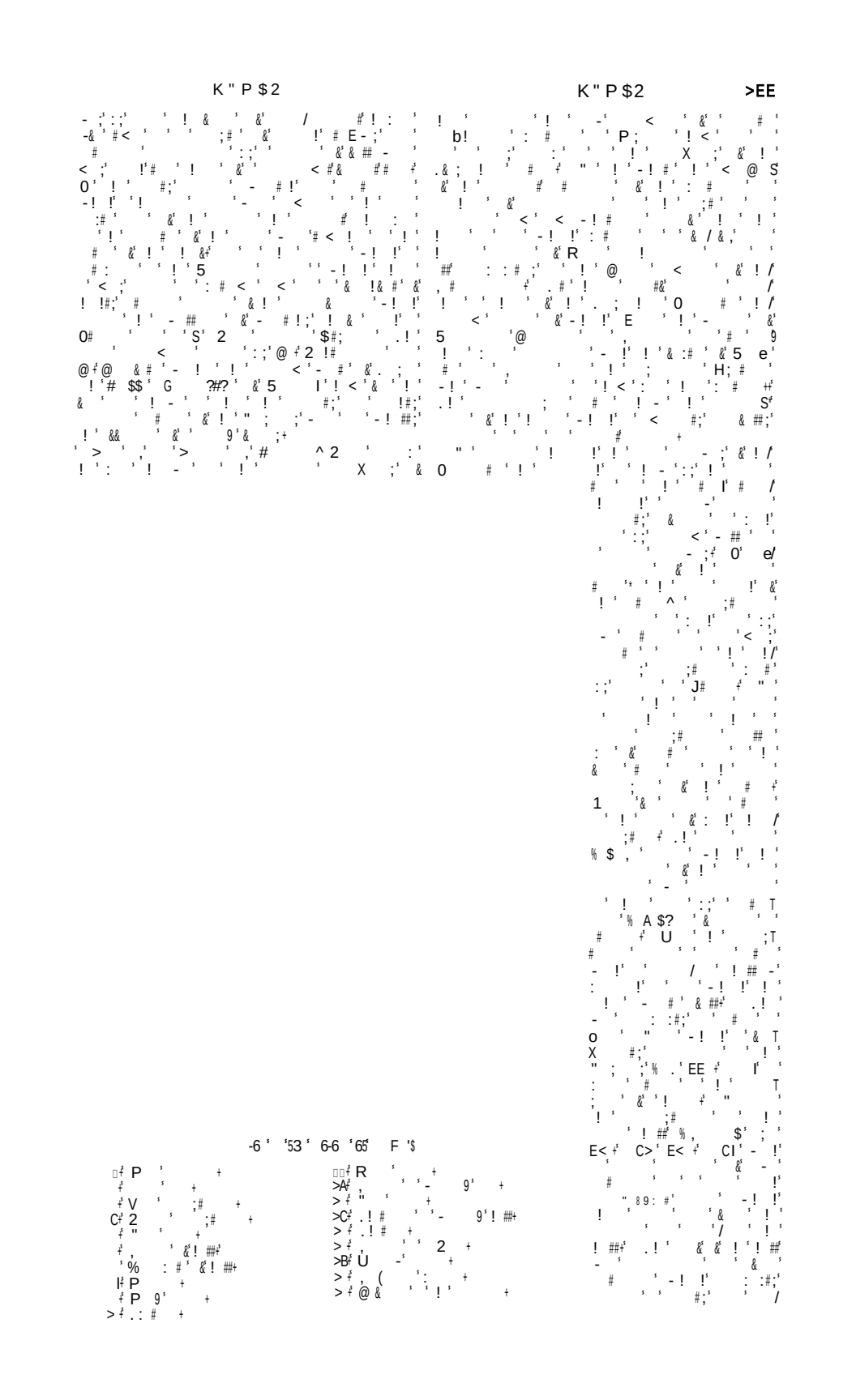

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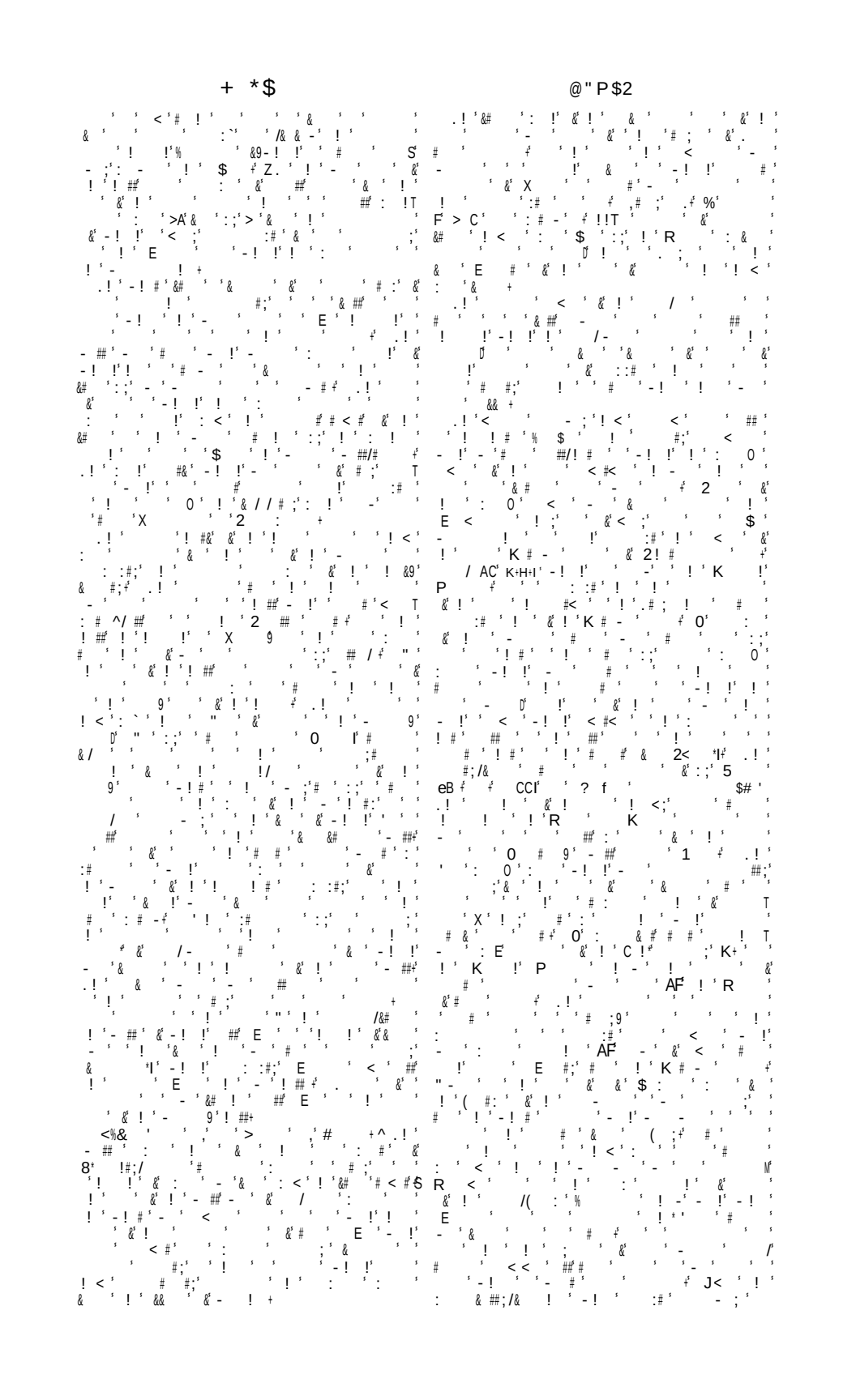

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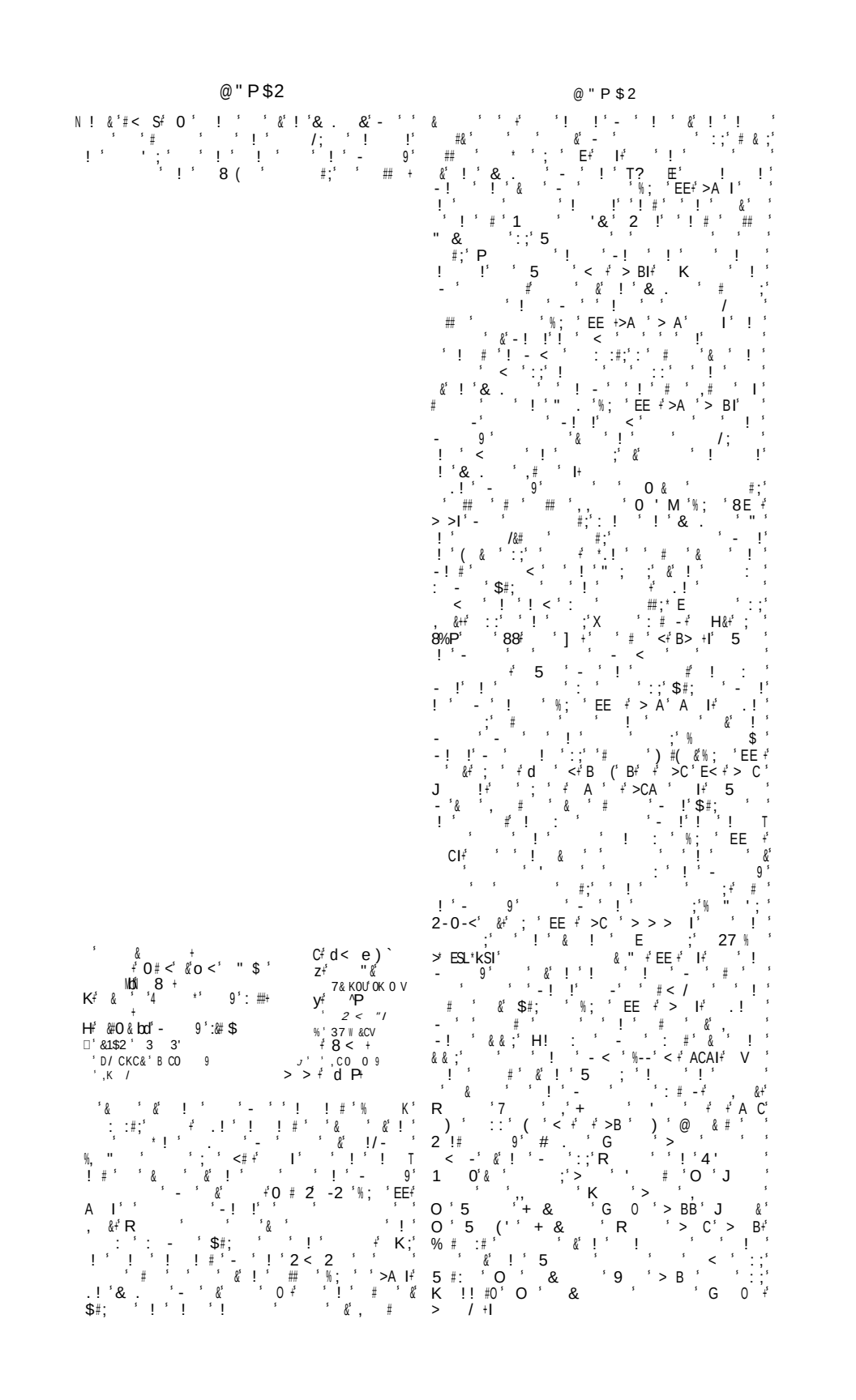

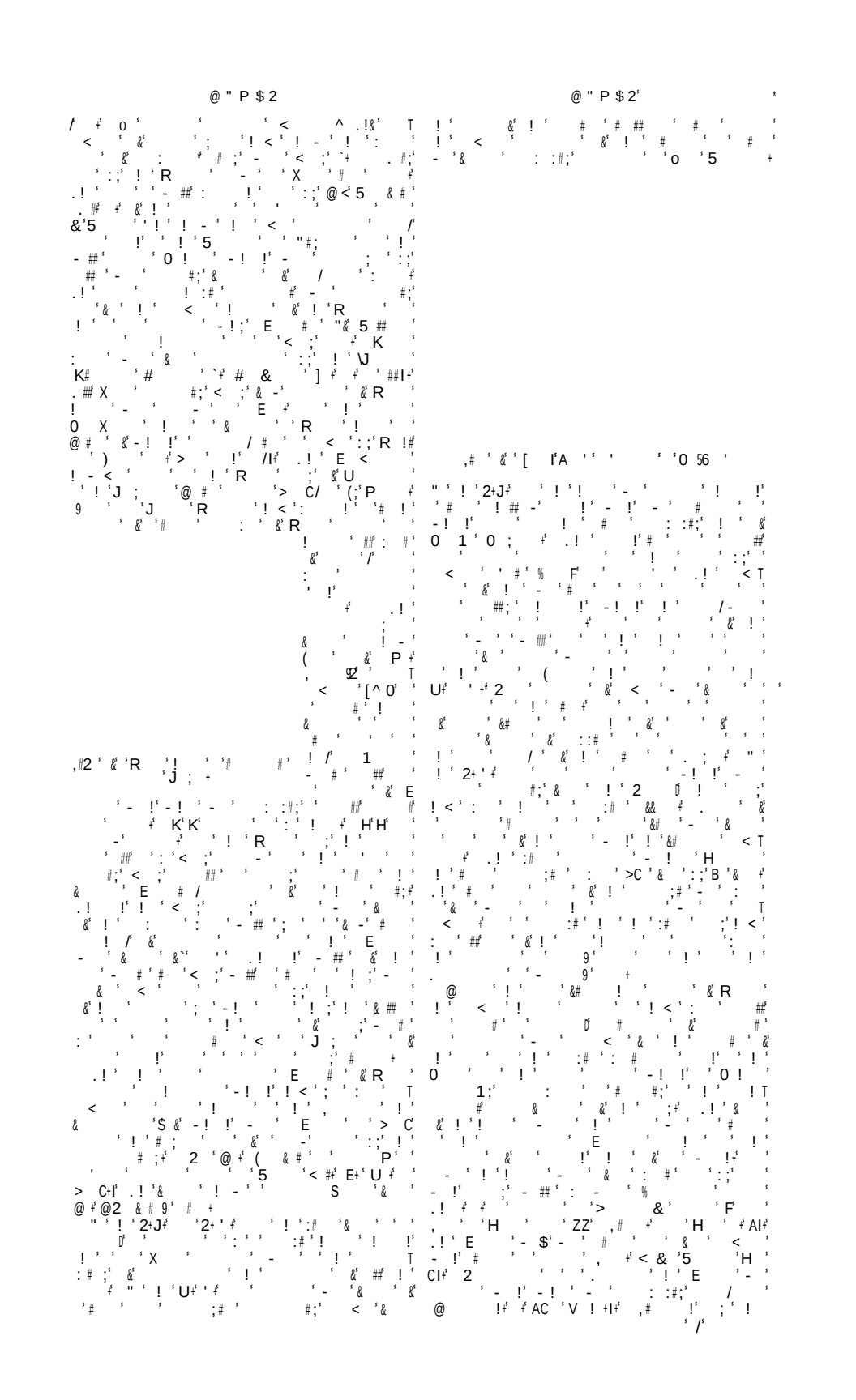

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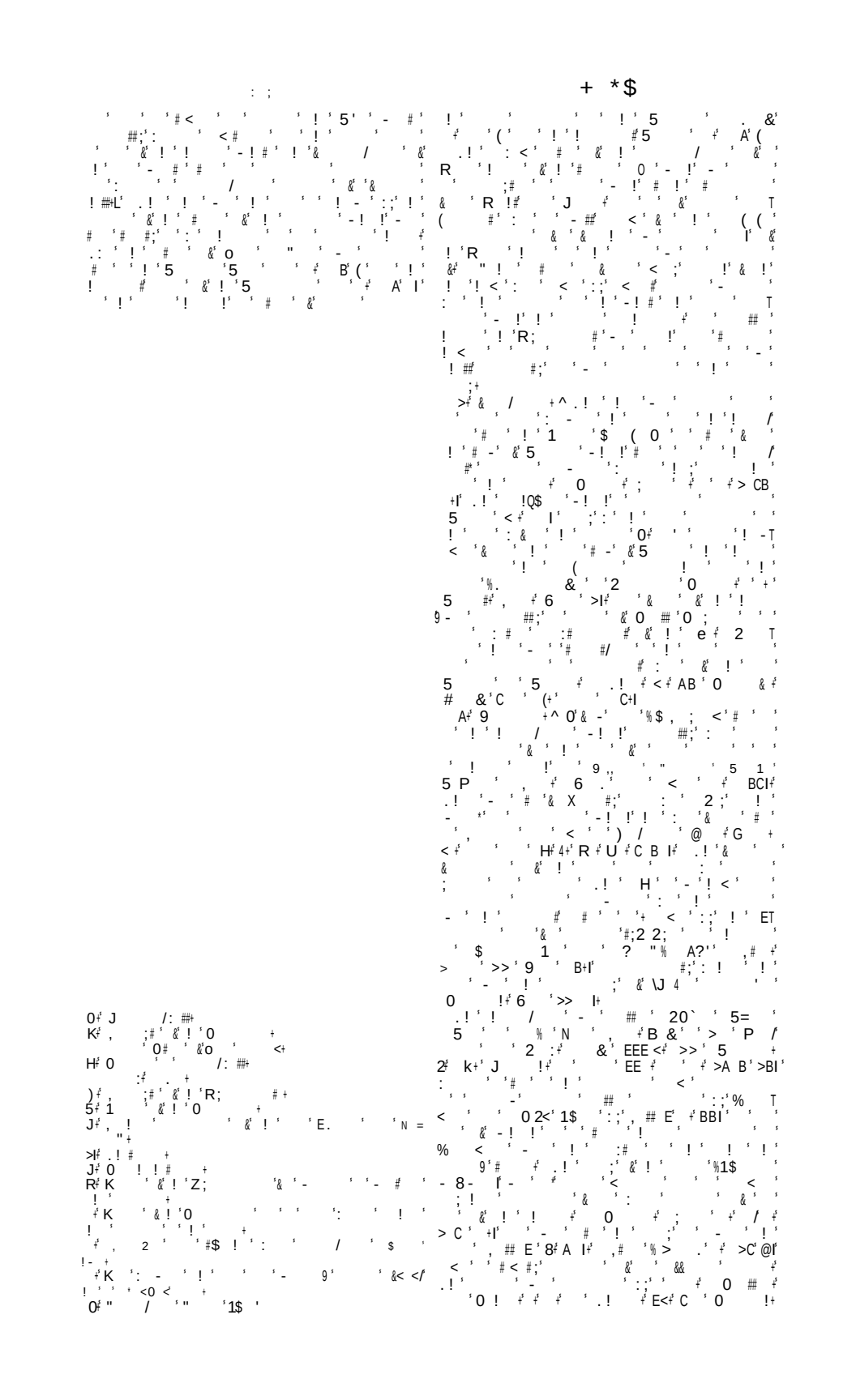

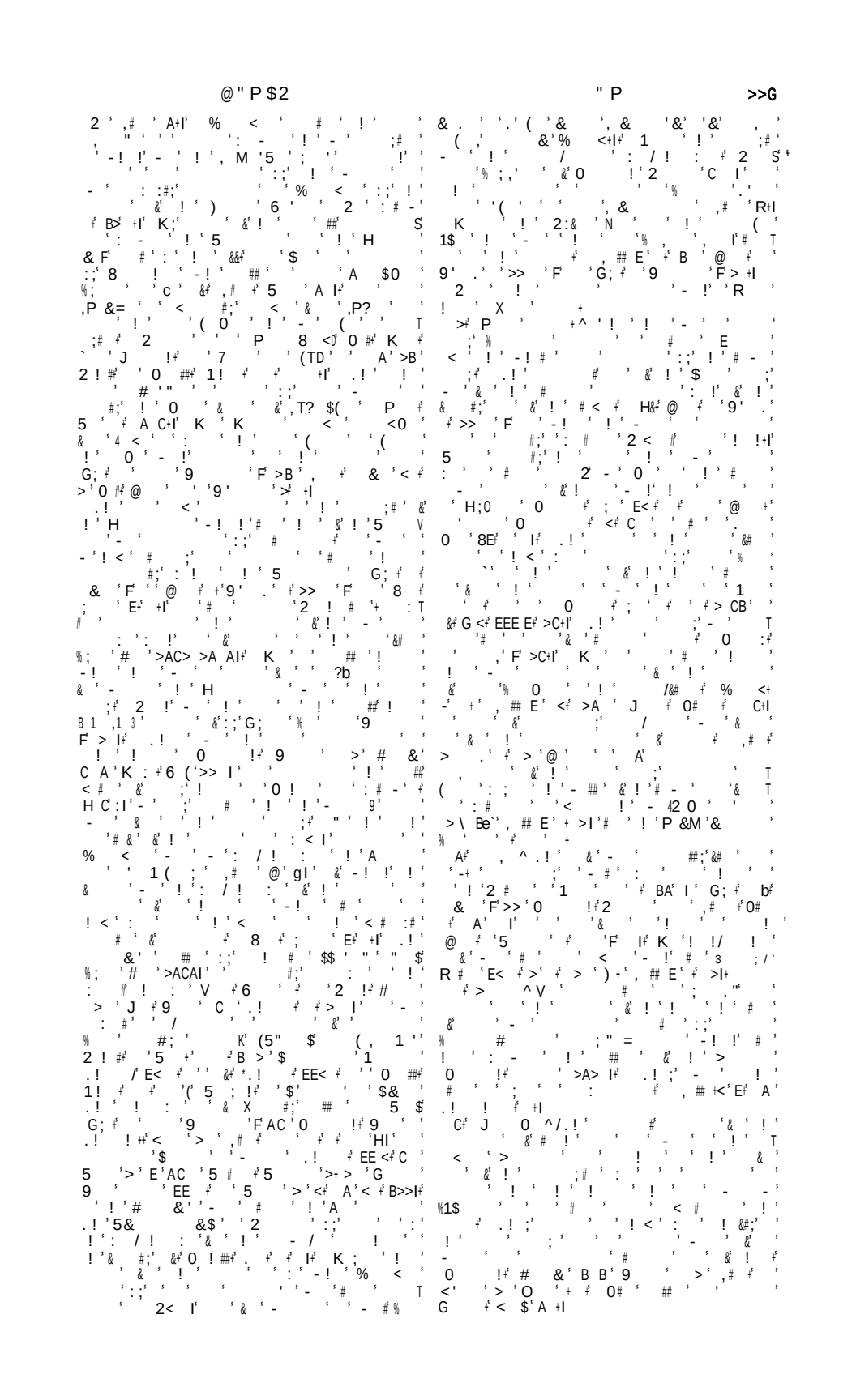

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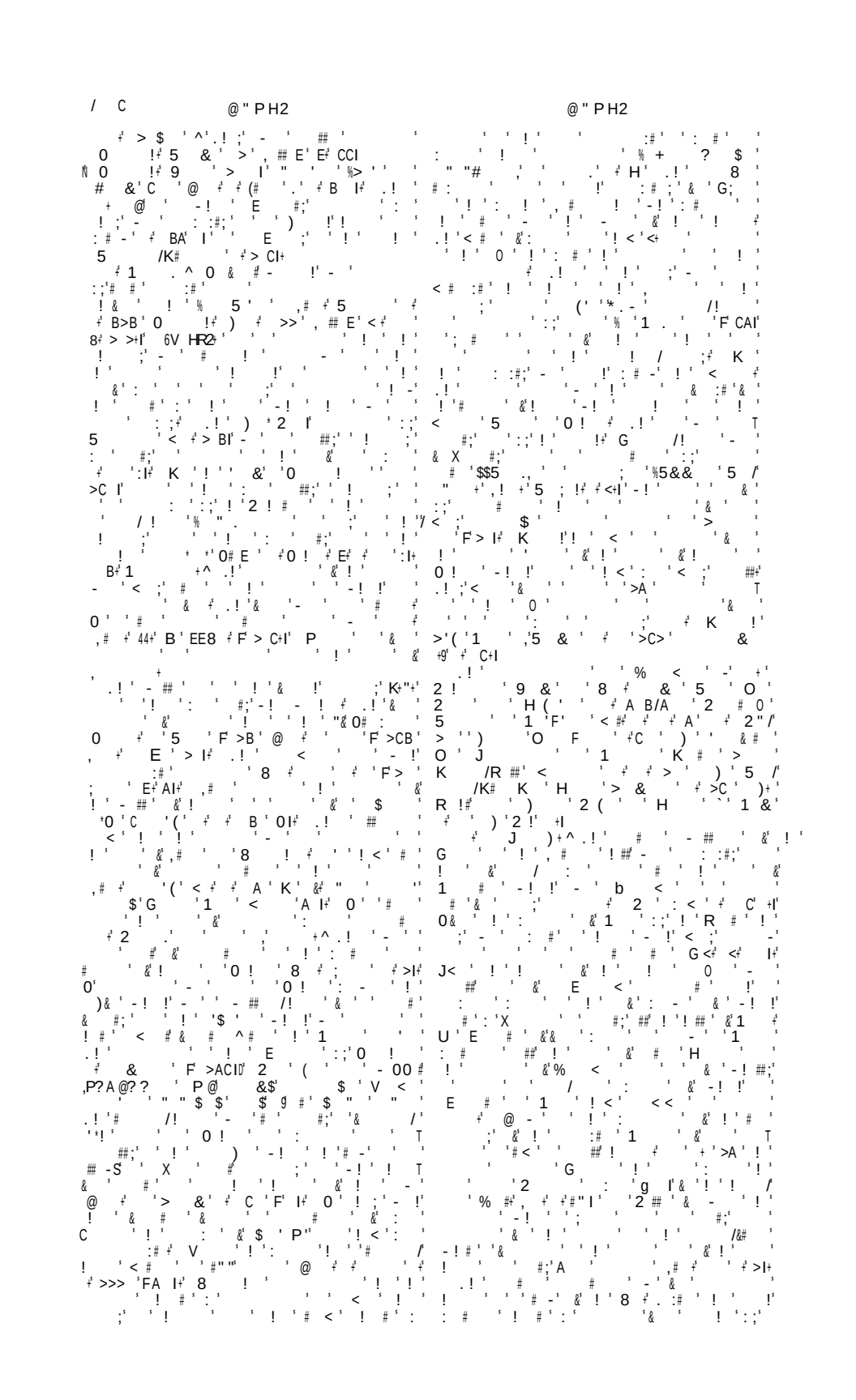

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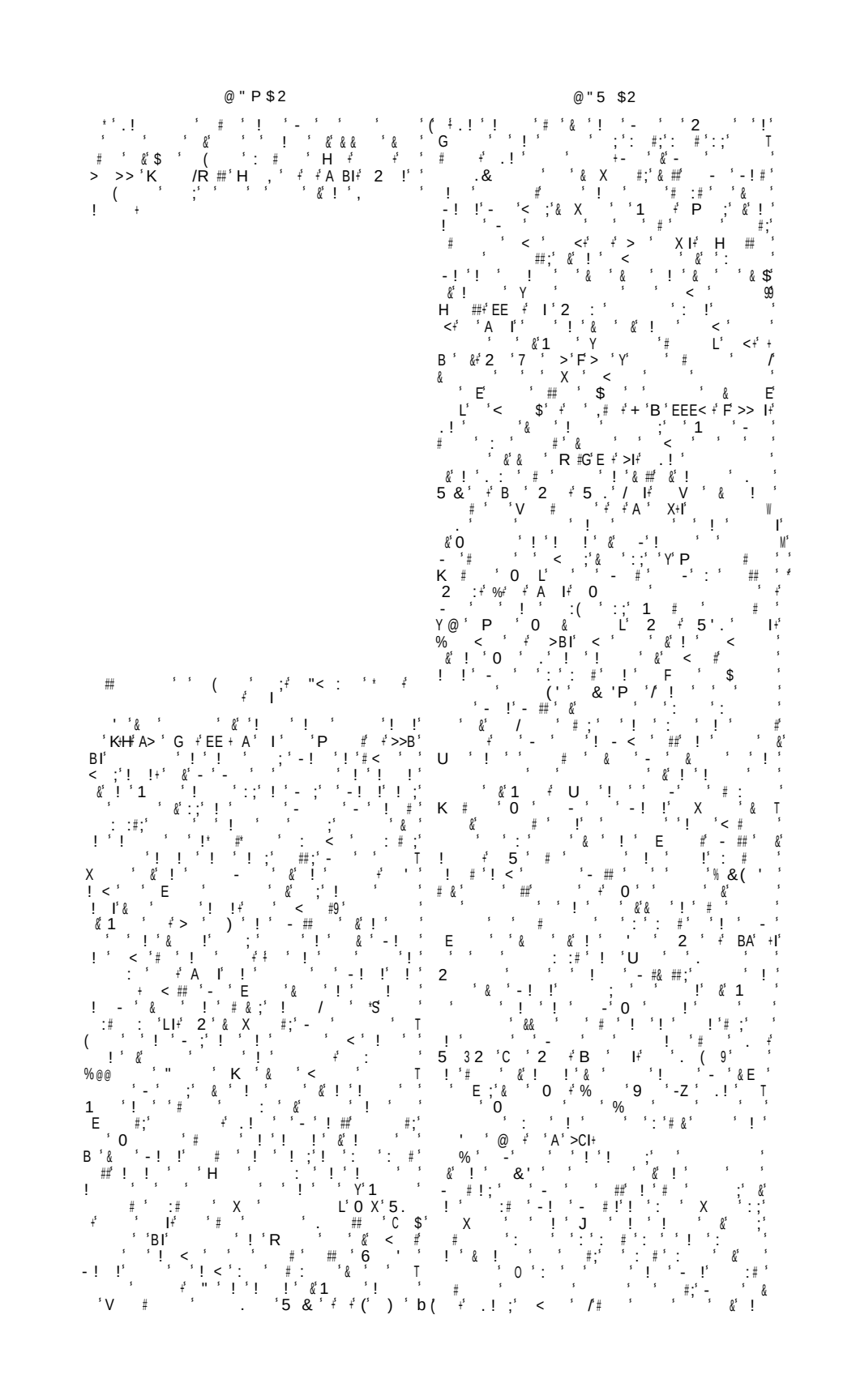

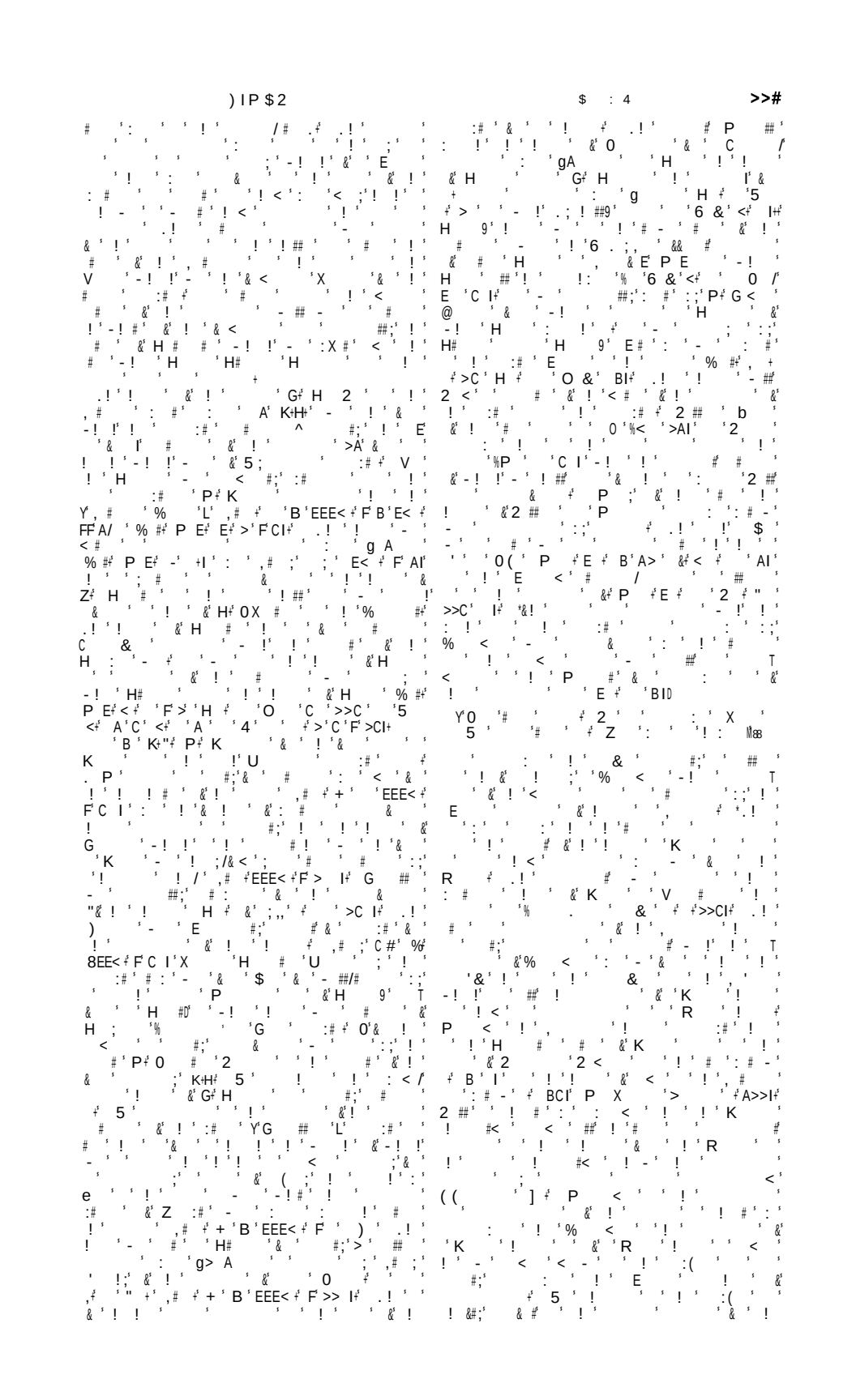

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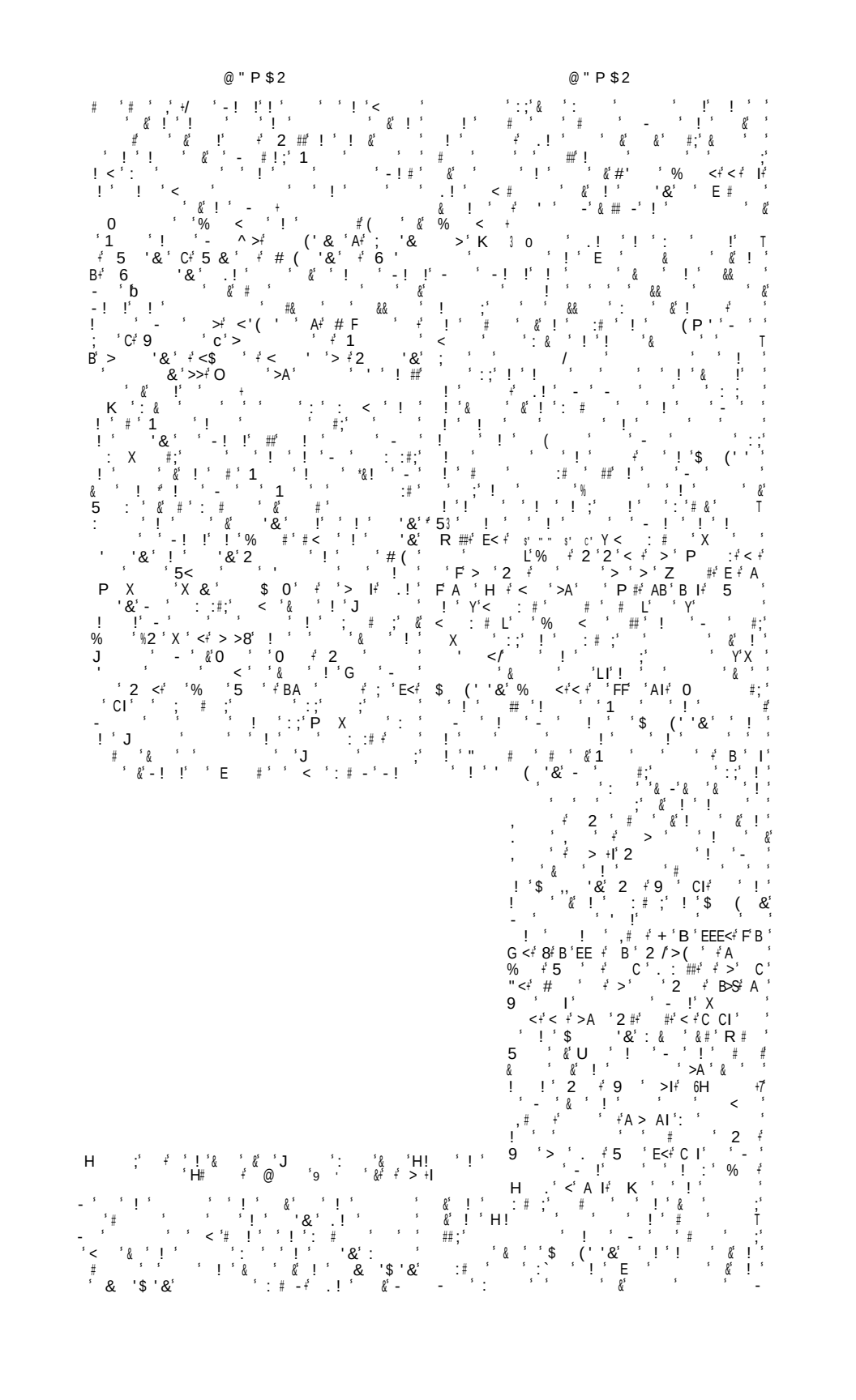

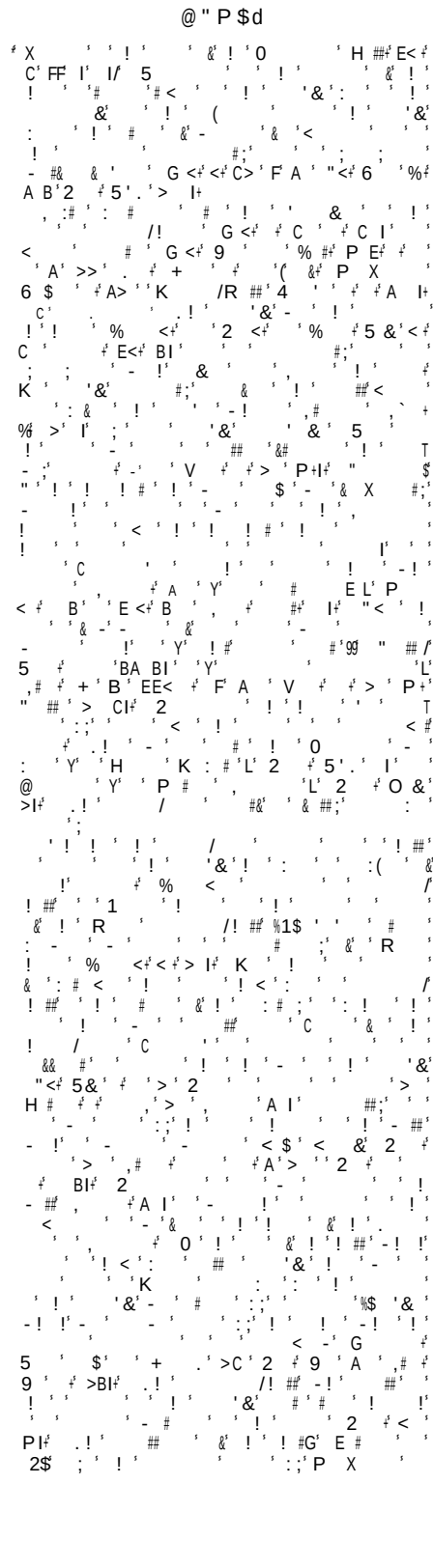
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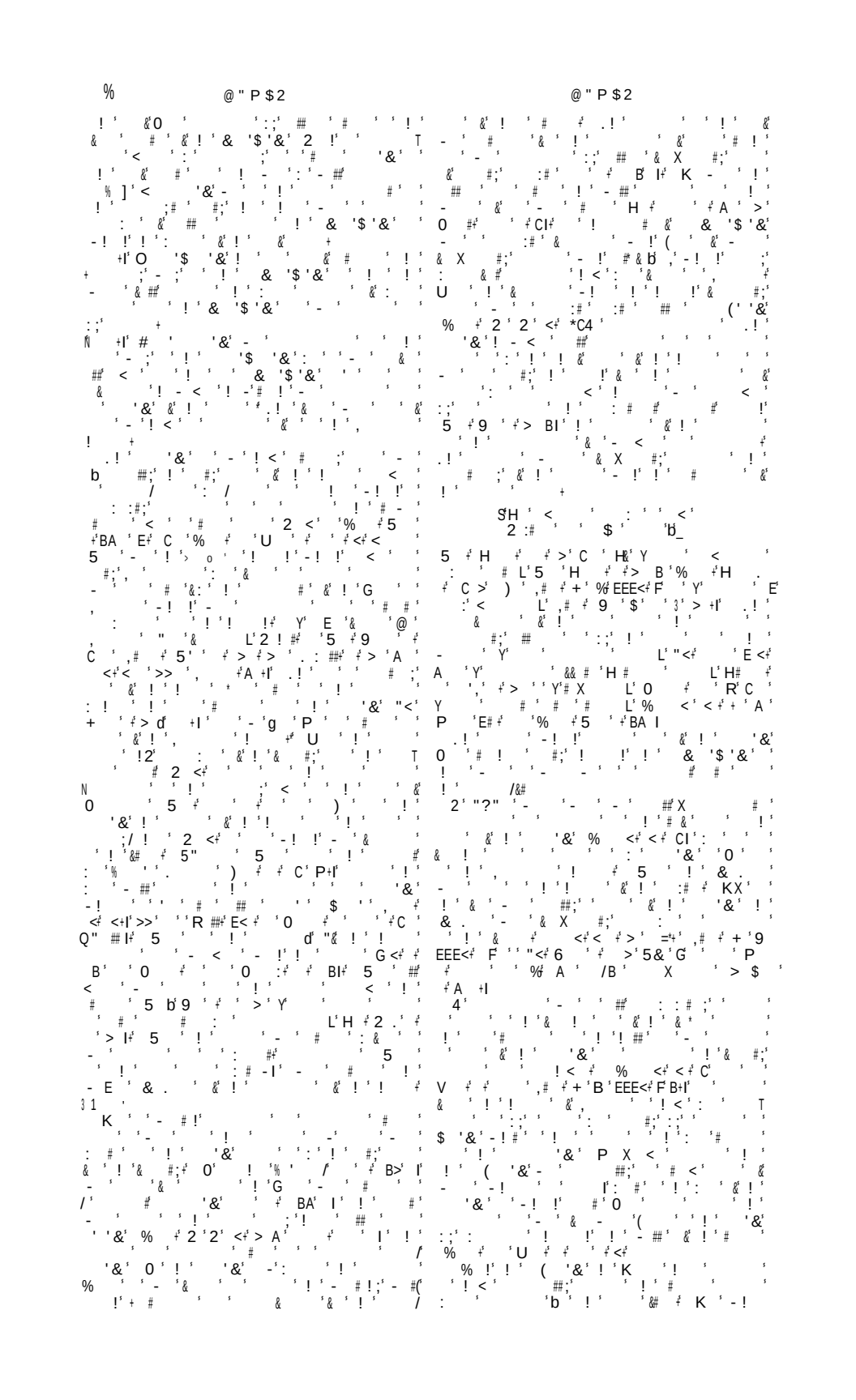

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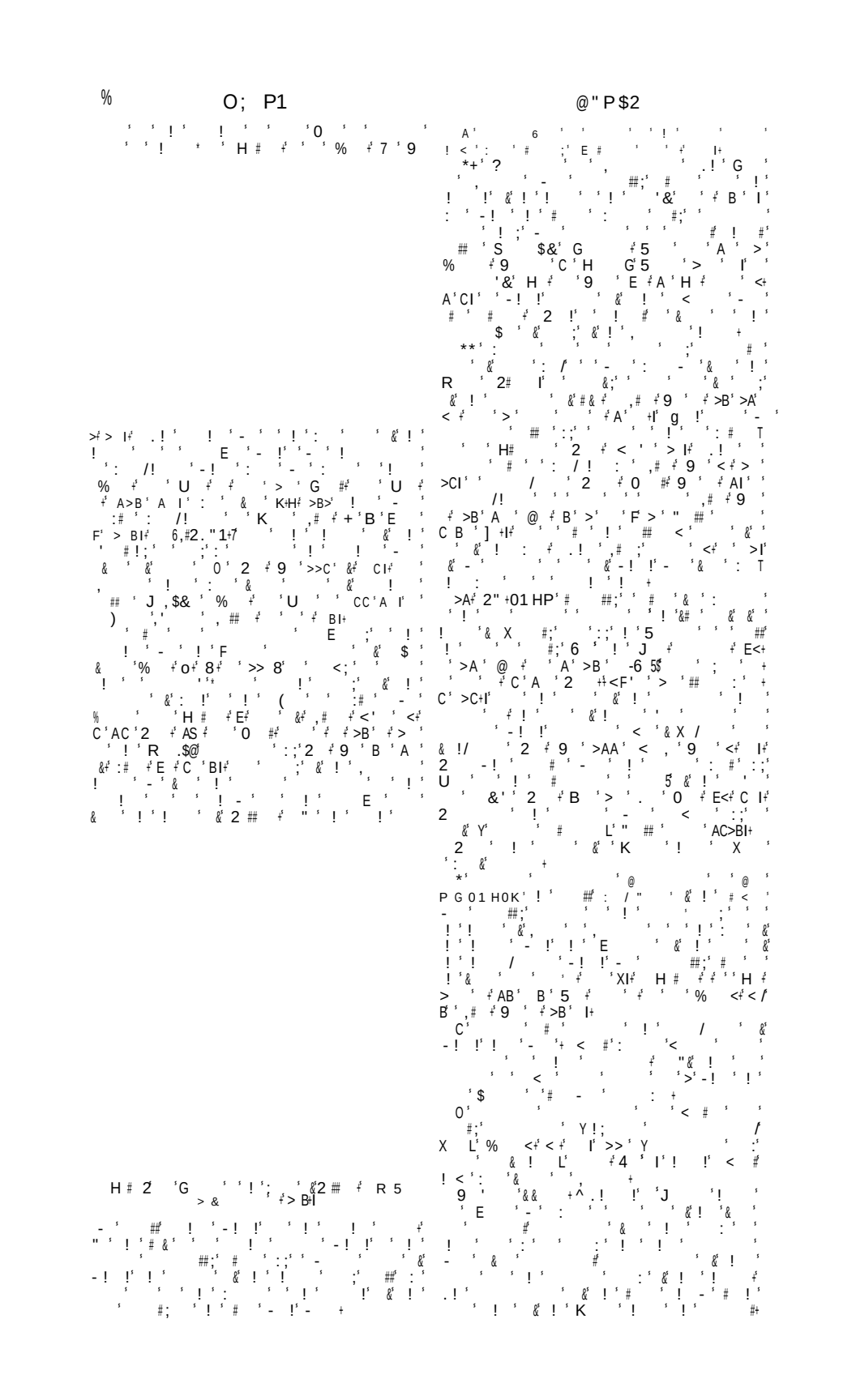

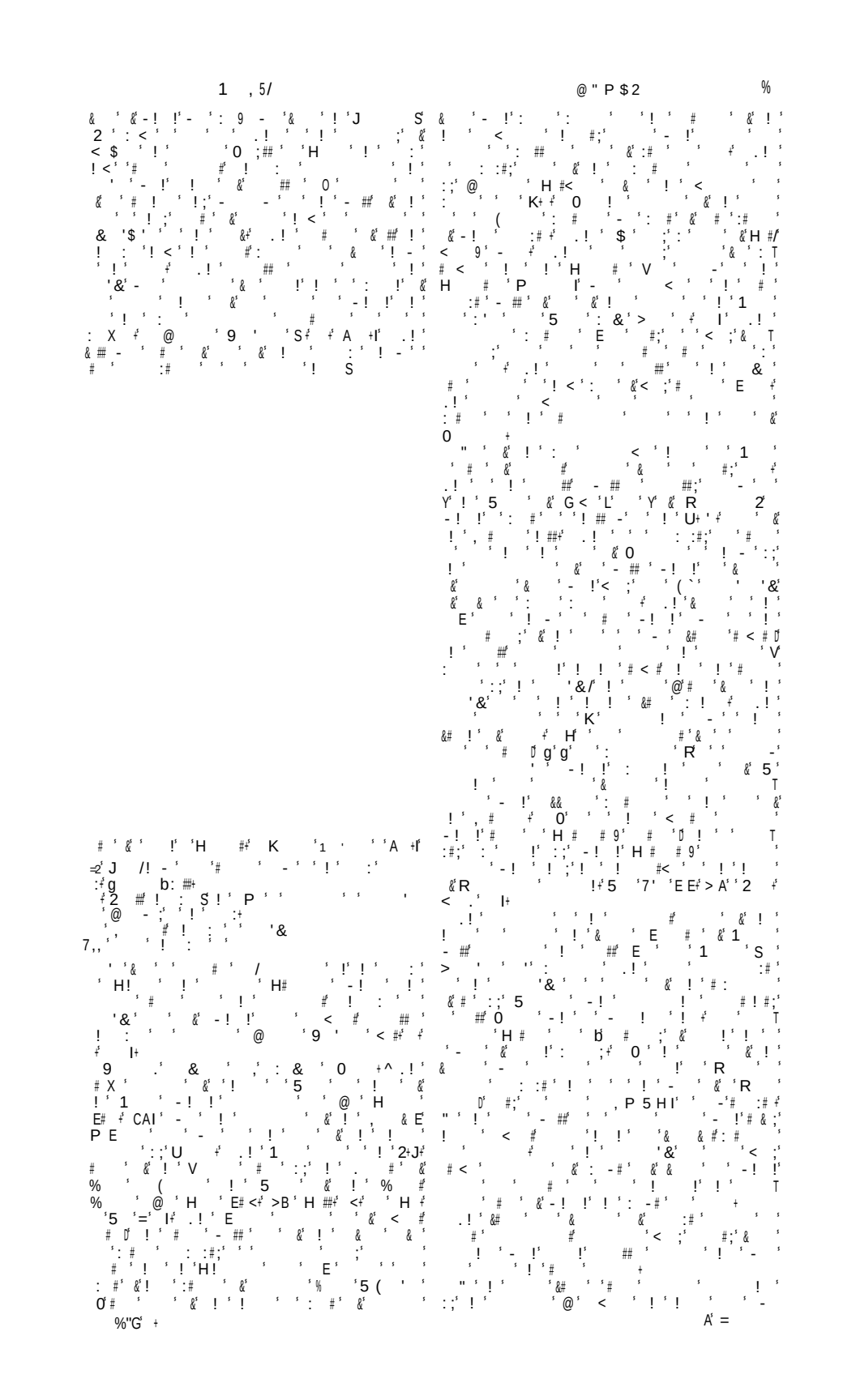

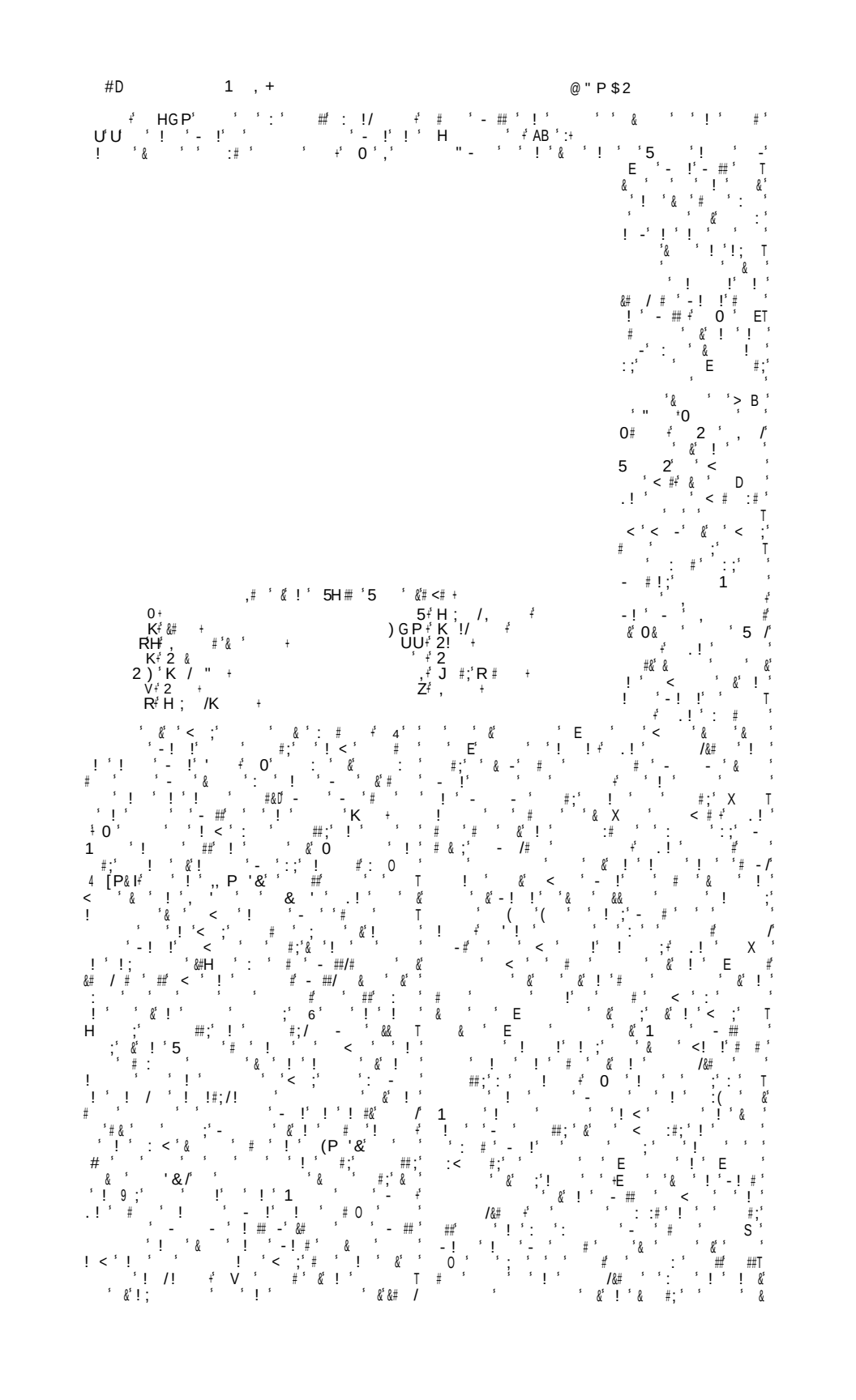

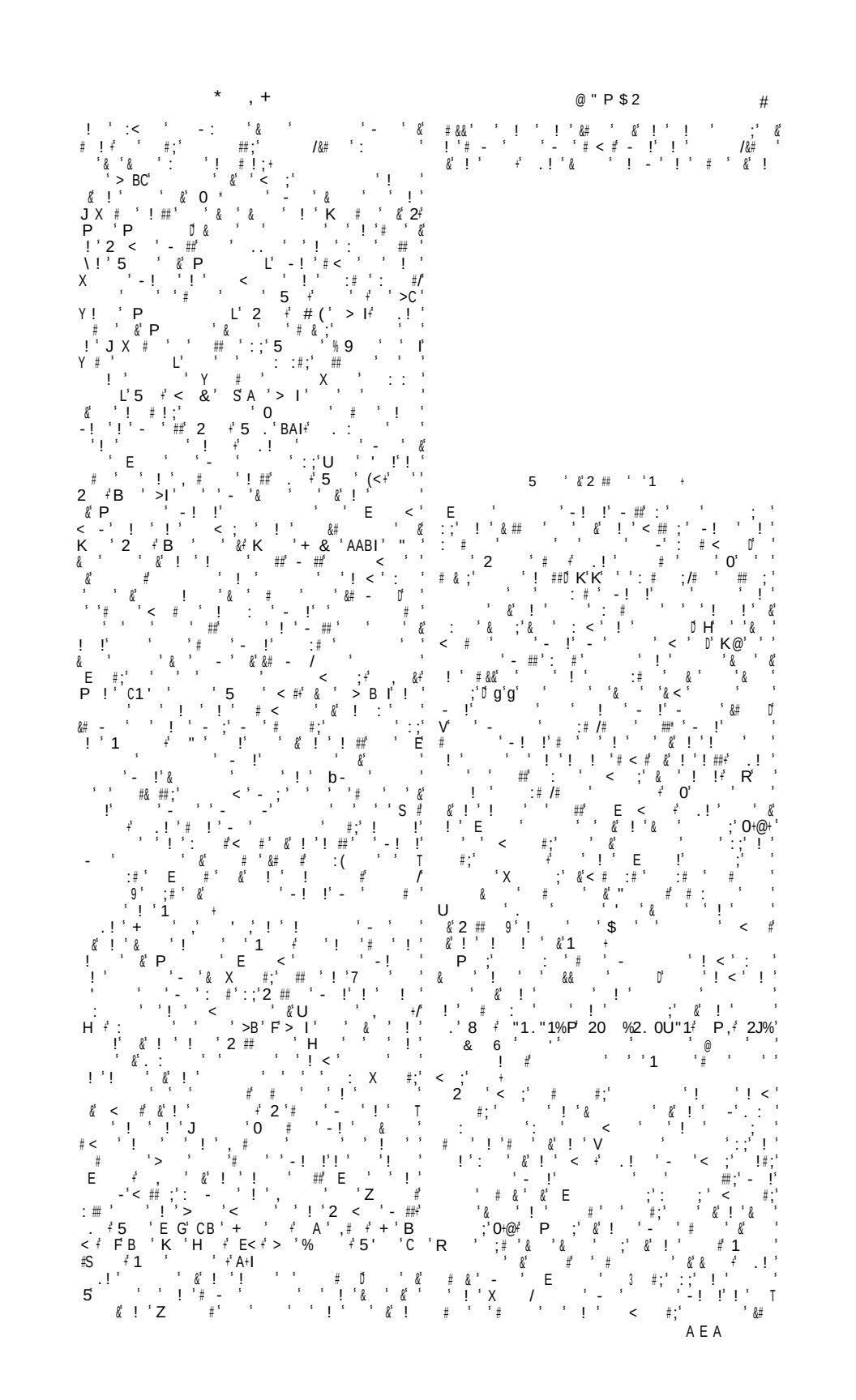

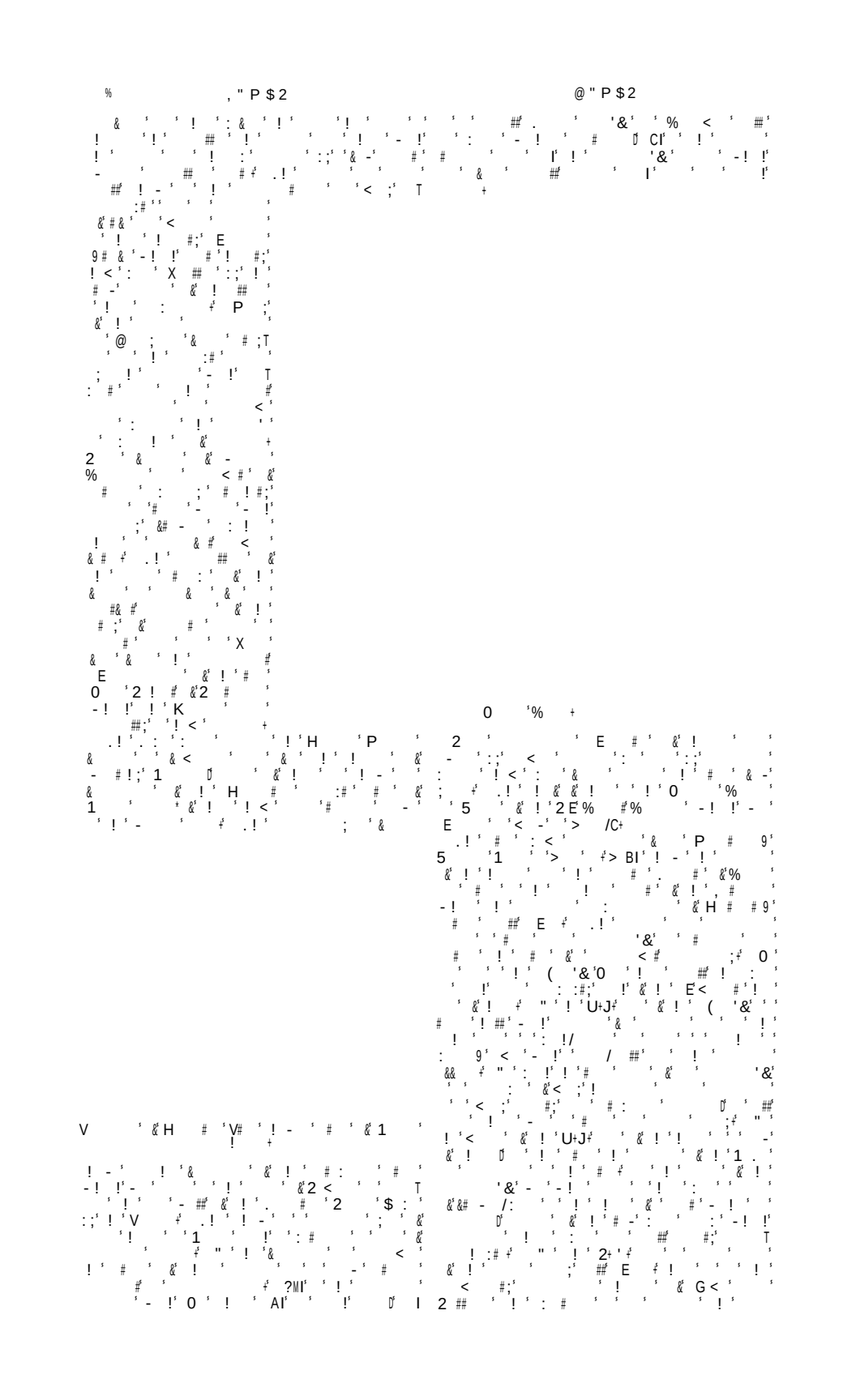

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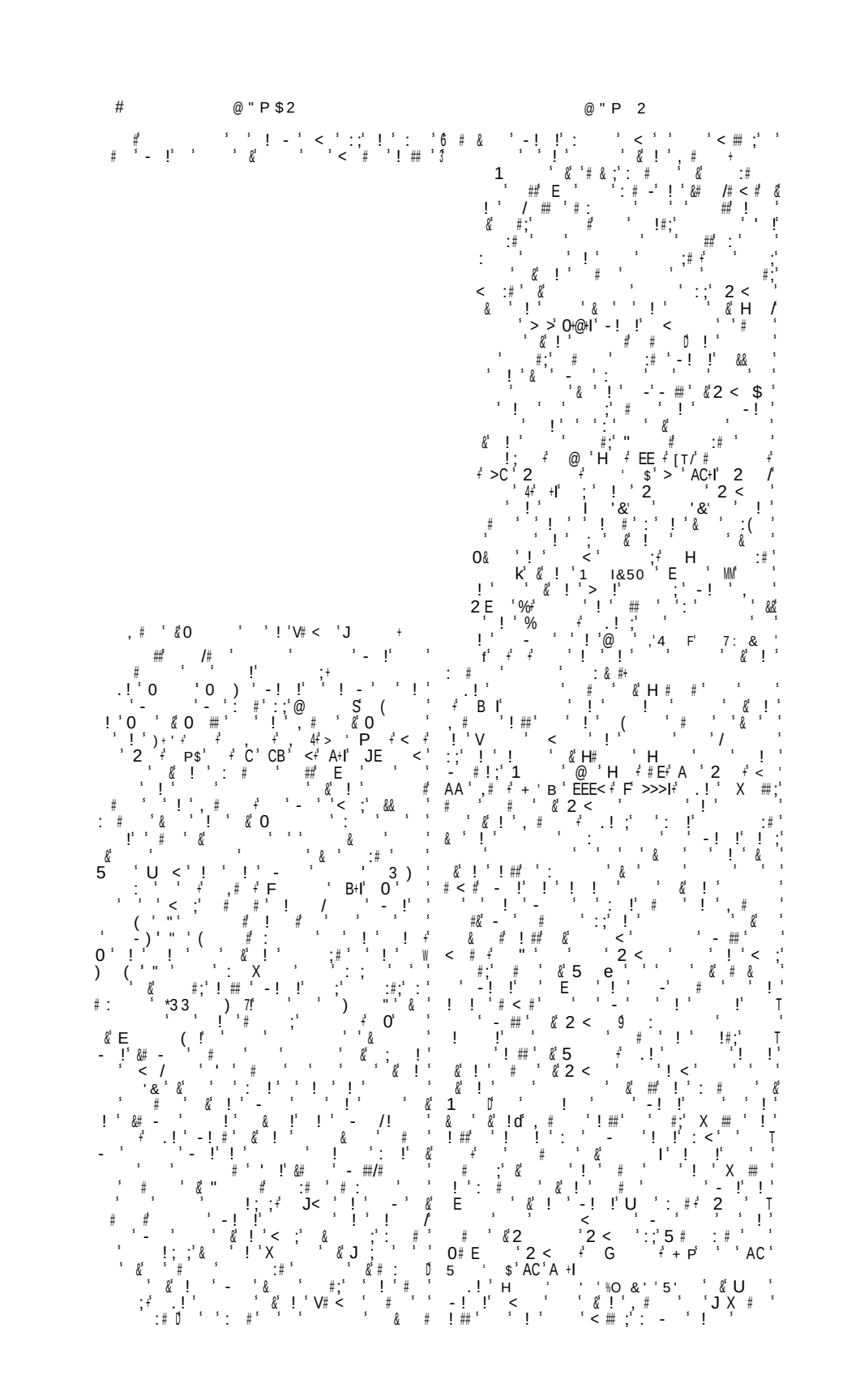

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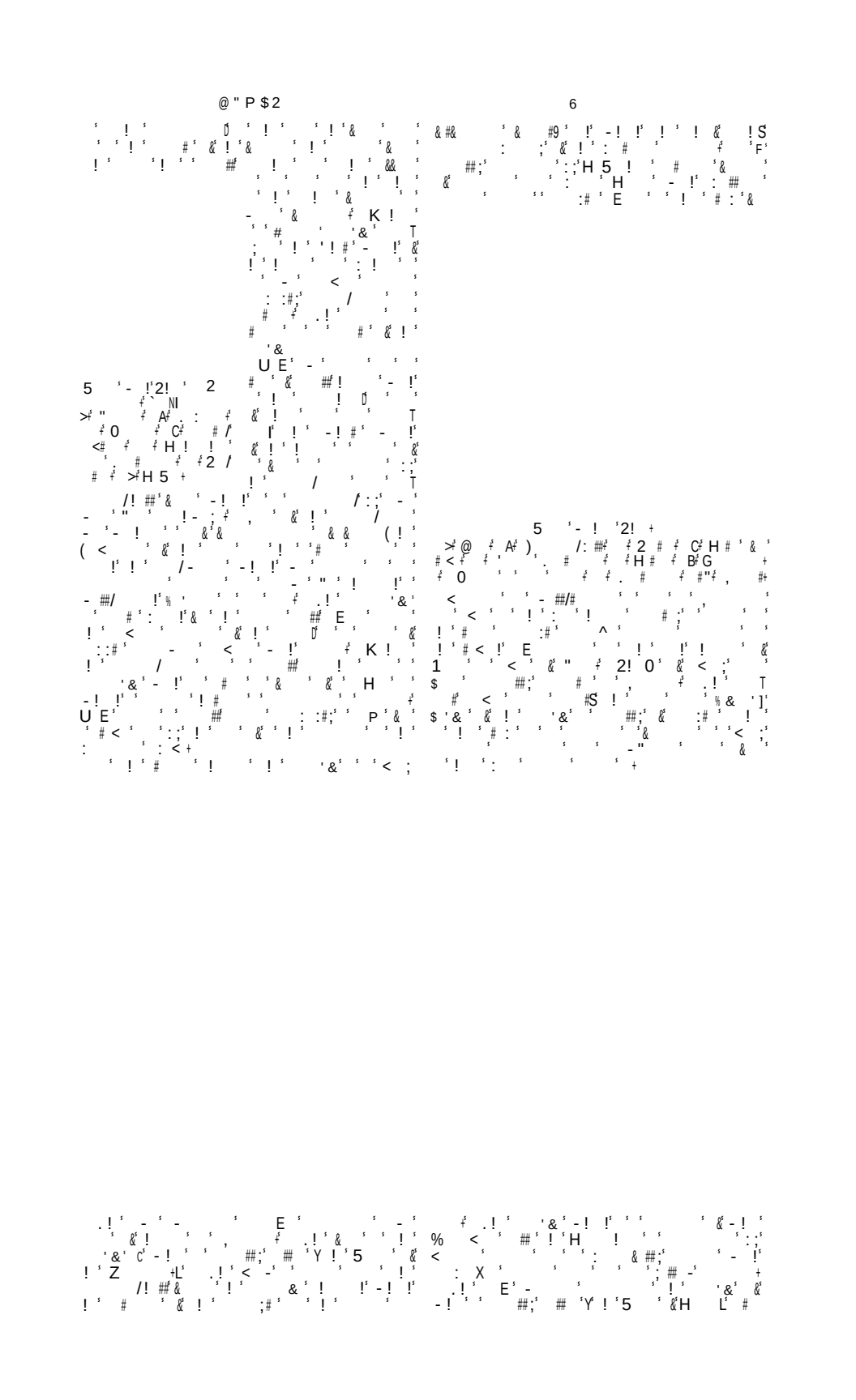

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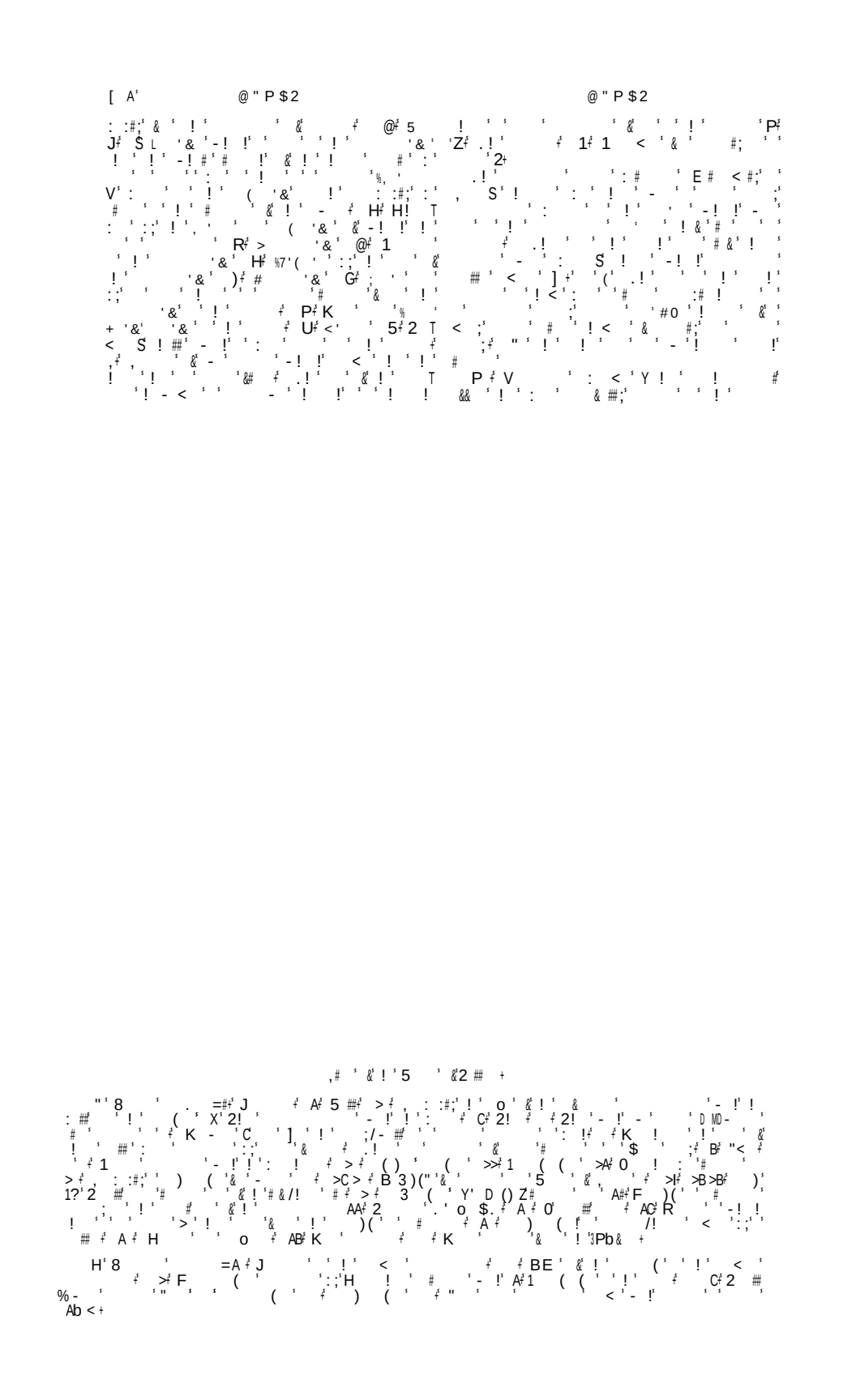

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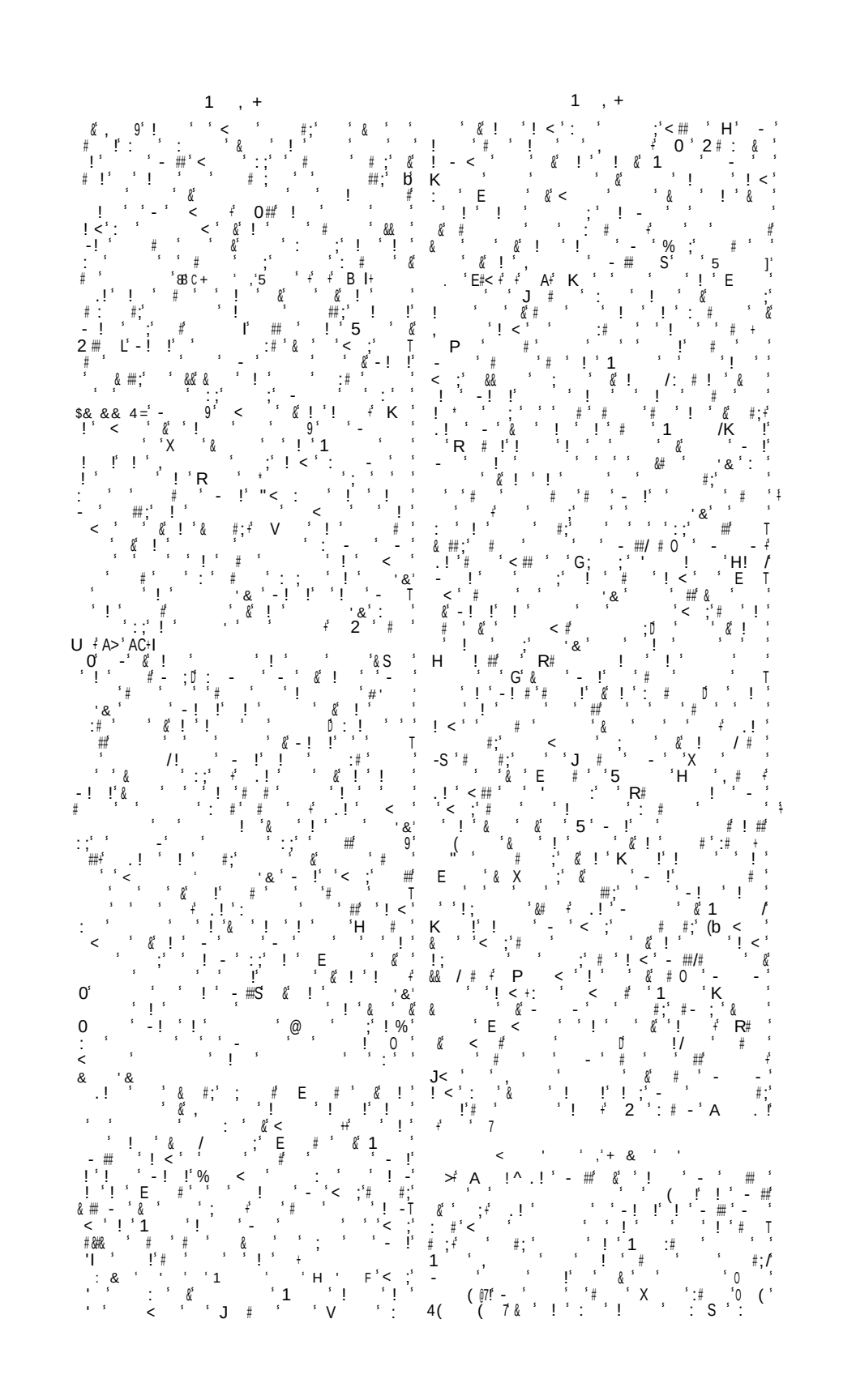
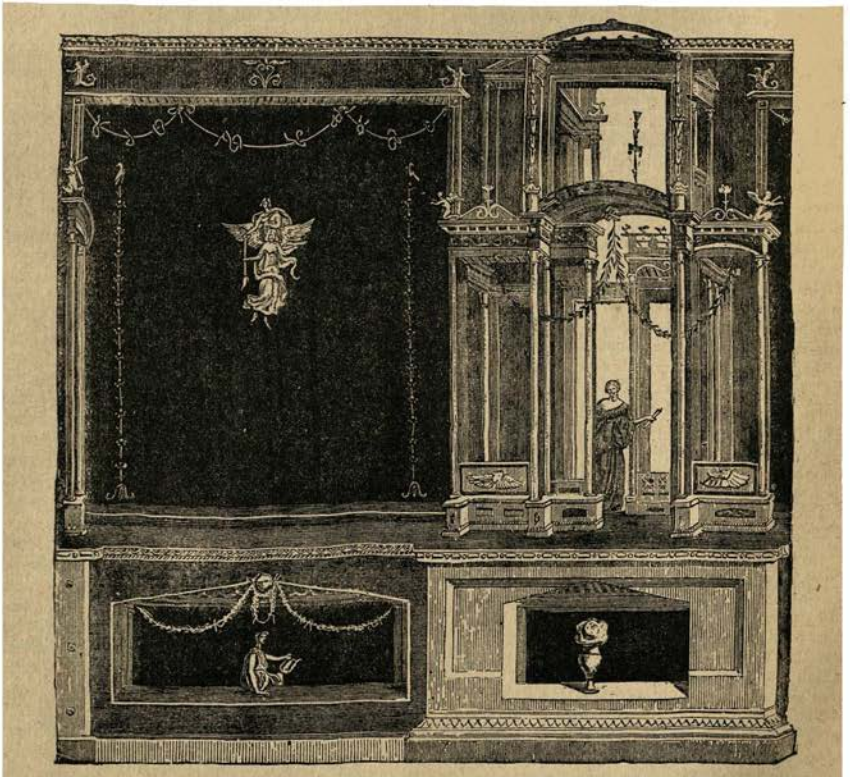


being the usual material for ordinary dwellings. In the time of Augustus concrete began to be the chief building material, faced at first with small squares of stone, about four inches by four inches on the face (*opus reticulatum*); then triangular kiln-baked bricks came into use, first employed together with the *opus reticulatum*, and then alone. In all cases, however, in Central and Southern Italy the main bulk of the wall was of concrete, and the brick only formed a thin facing. In other countries, however, where a fine natural cement like the pozzolana (*pulvis puteolanus*) of Italy was not to be found, a different method of construction was used. In Gaul and Britain houses were mostly built of rubble stonework, thickly bedded in hard mortar, with "lacing courses" of large square tiles (*tegulae bipedales*) built in at intervals of three or four feet; a method of building which still survives in some flint districts, like parts of Sussex.

The inner walls of the rooms were originally simply whitewashed (*dealbati*) [DEALBATORES], and subsequently covered with a white cement or stucco (*opus albarium*), the workers of which were called *tectores albarii*, or *albarii* simply. (Vitruv. v. 10, 3, vi. 10, 3; Pallad. i. 14; Plin. *H. N.* xxxv. § 194, xxxvi. § 183; Cod. Theod. xiii. 4, 2; Orelli, *Inscr.* 4142.) The plain surface of the walls was broken by quadrangular panels, called *abaci* (Plin. *H. N.* xxxiii. § 159; xxxv. §§ 3, 32; Vitruv. vii. 3, 10). [ABACUS.] In the second century B.C., the practice was introduced from Greece of painting these panels with an endless variety of figures, landscapes, buildings, gardens, &c., of which we have numerous examples in the existing remains of houses in Rome and Pompeii. So general was



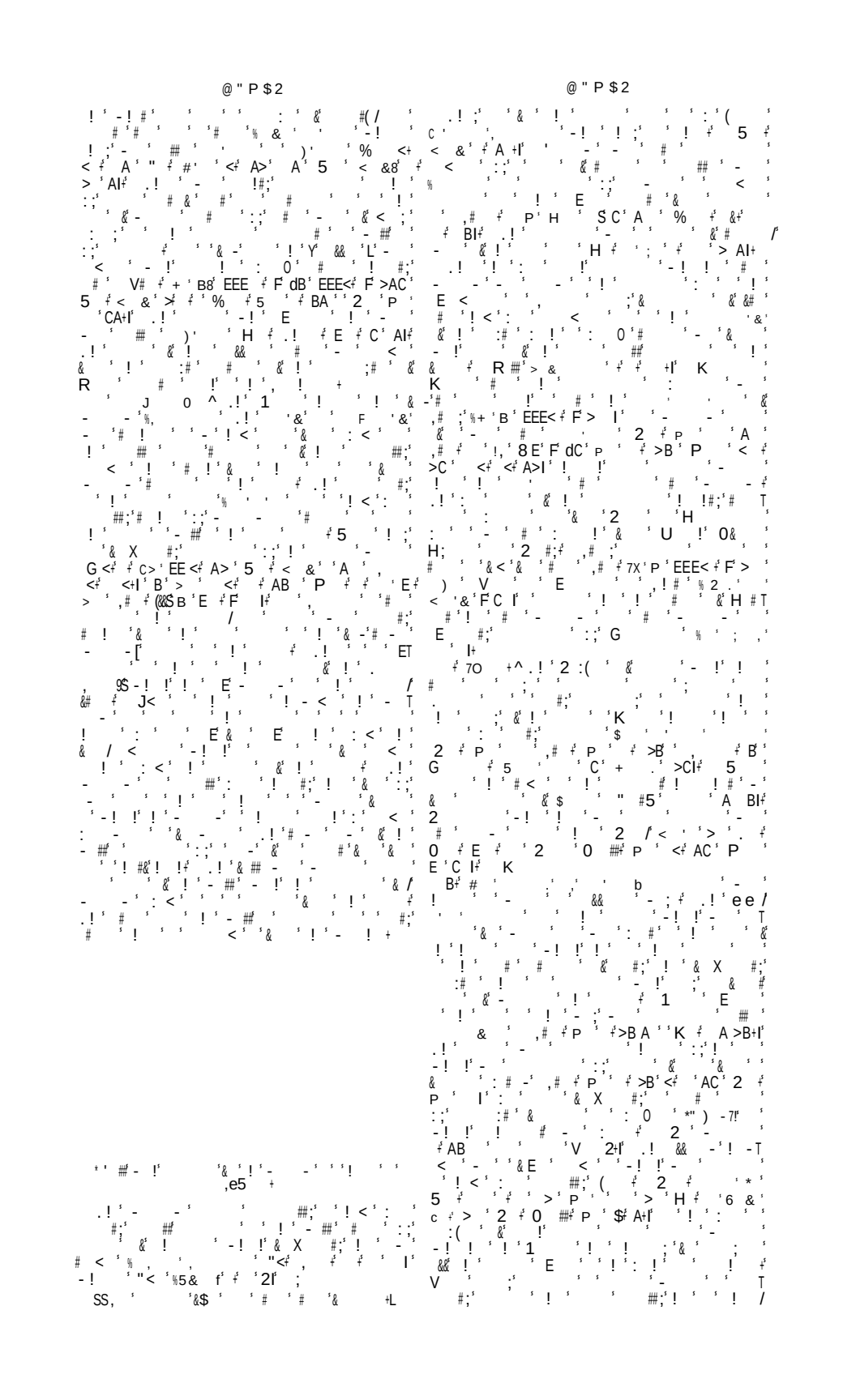
Wall-painting at Pompeii. (Fergusson.)

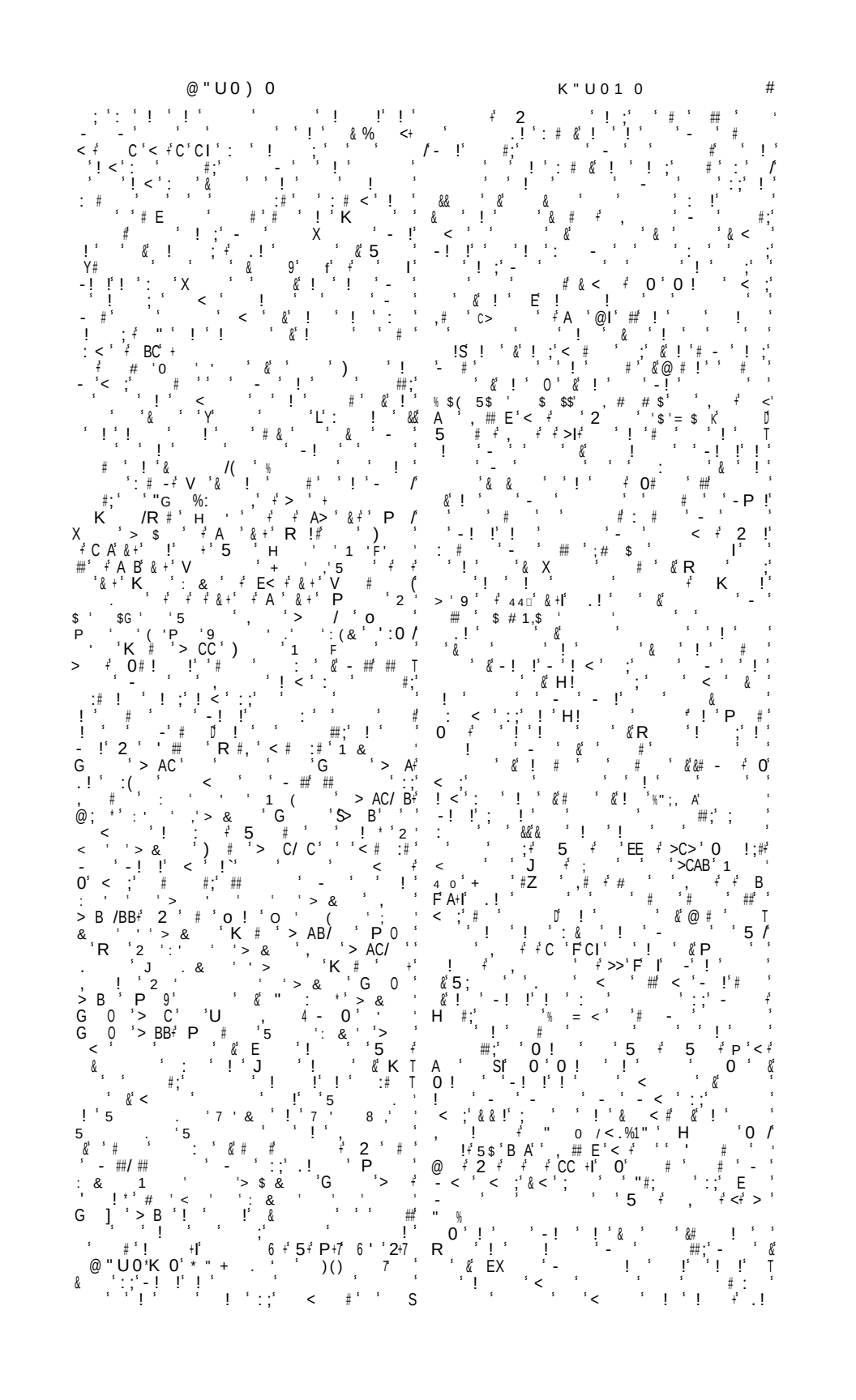
the practice that even the smallest houses in Pompeii have paintings on their walls, of which a general idea may be formed from the annexed cut. The way in which these paintings were executed is described under PICTURA.

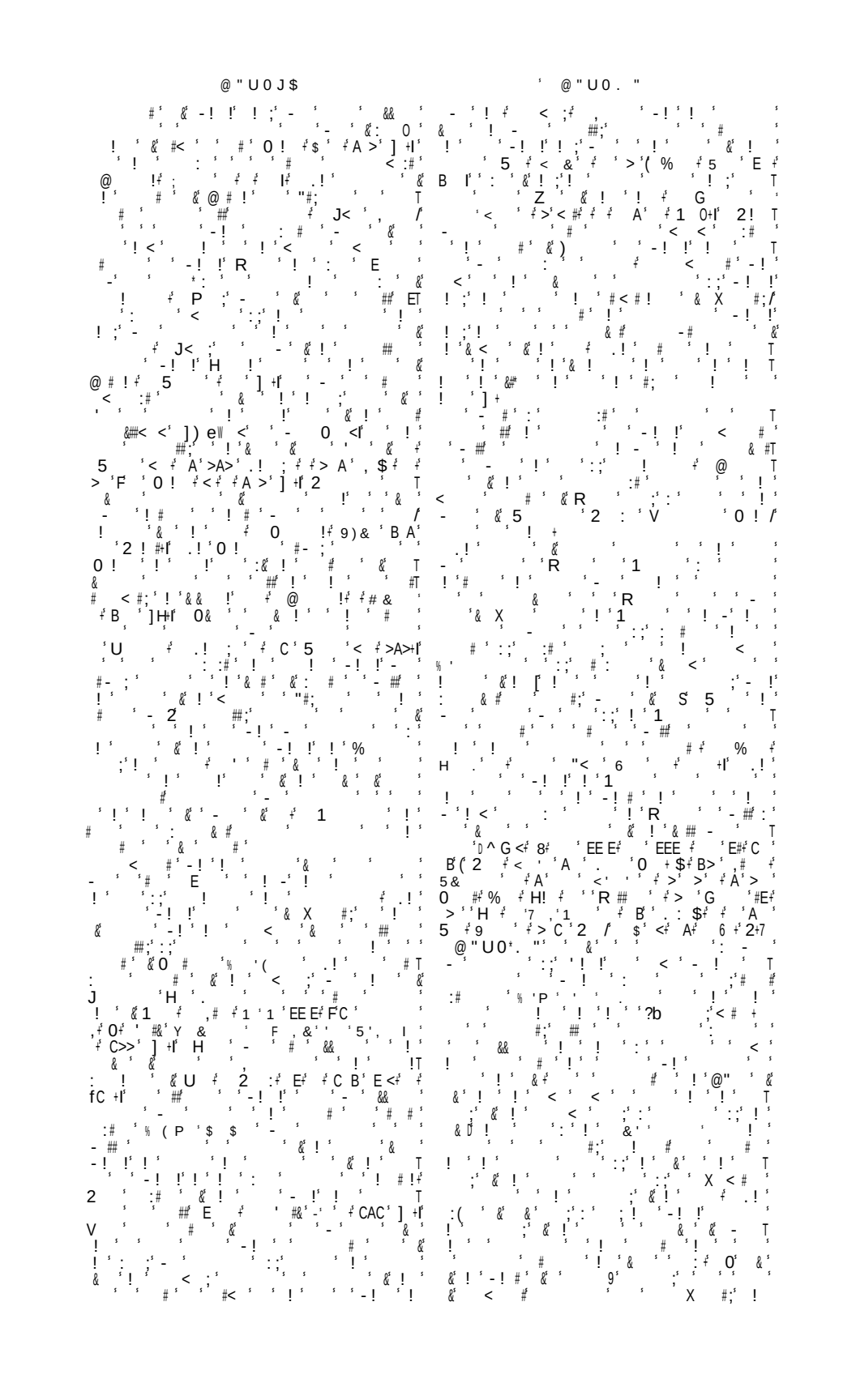
In addition to painting, other methods of decoration were used: in Rome especially the chief way of ornamenting the rooms of the best houses was by lining the walls with slabs of sawn marble, moulded into a skirting below and a cornice above. Mamurra, one of Caesar's prefects in Gaul, was the first, as we have already said (p. 667 *a*), who lined the walls of his rooms with marble slabs (Plin. *H. N.* xxxvi. §48). Great magnificence of effect was produced by the skilful admixture of marbles of different rich colours, the moulded part being usually of a deeper tint than the flat surfaces. In the most careful work these marble linings were fastened to the walls by bronze clamps, but more often the slabs were simply attached by a thick bedding of cement behind them. (Sen. *Ep.* 86, § 4; Dig. 19, 1, 17. § 3; Isidor. xix. 13.)

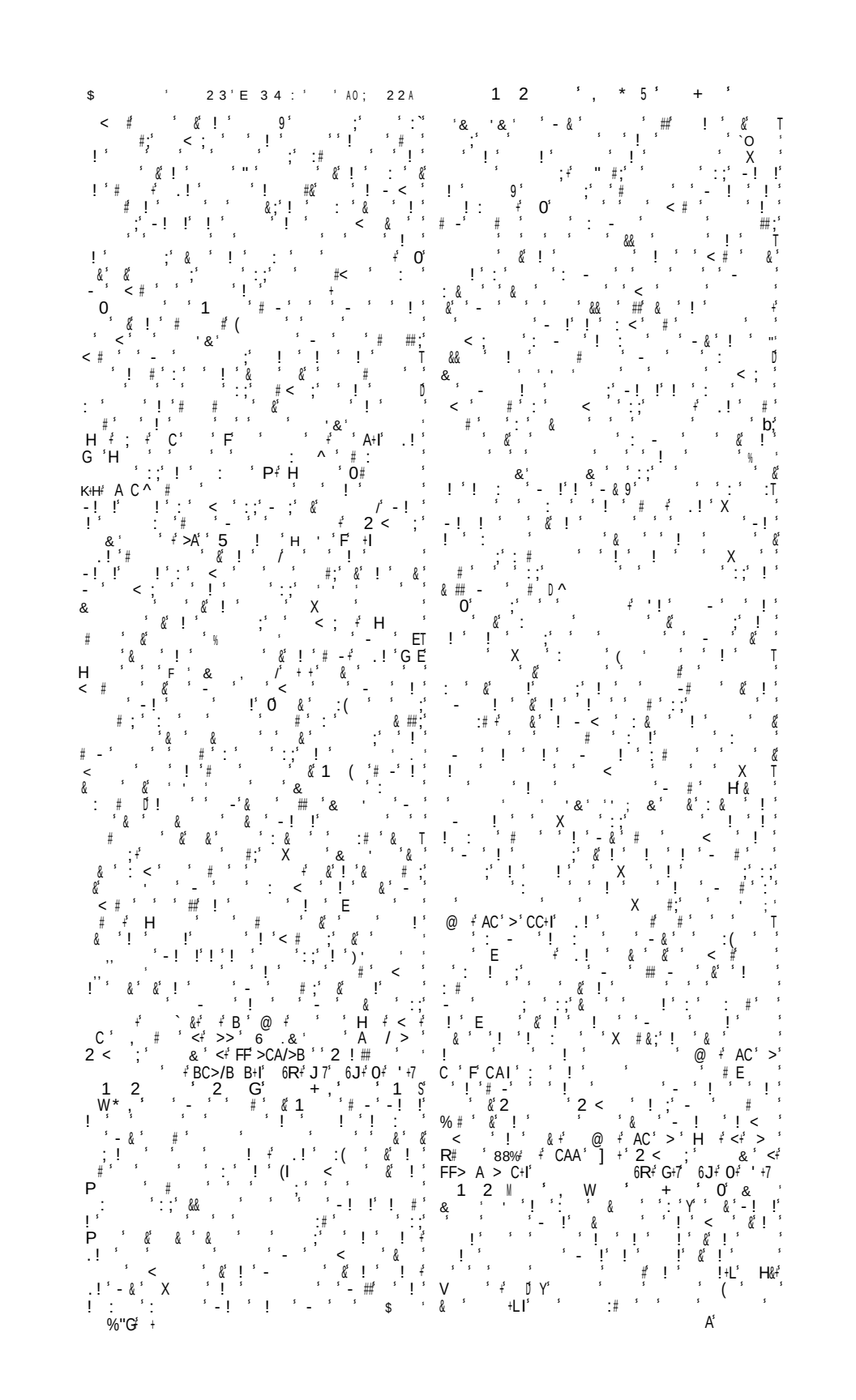
Another very rich method of decoration was the application of stucco reliefs enriched with gold and colours. The discovery of fine

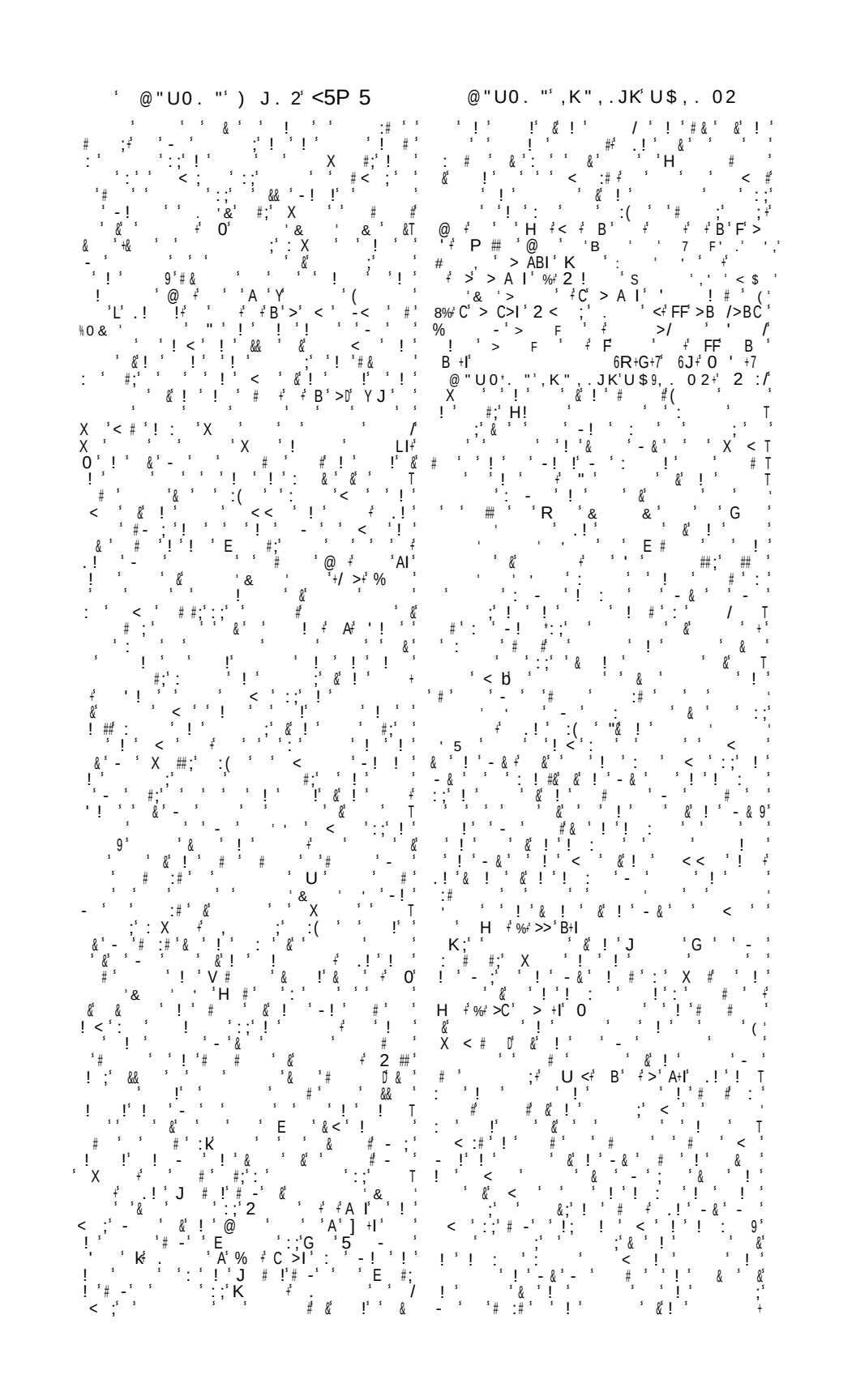
@ " P $2

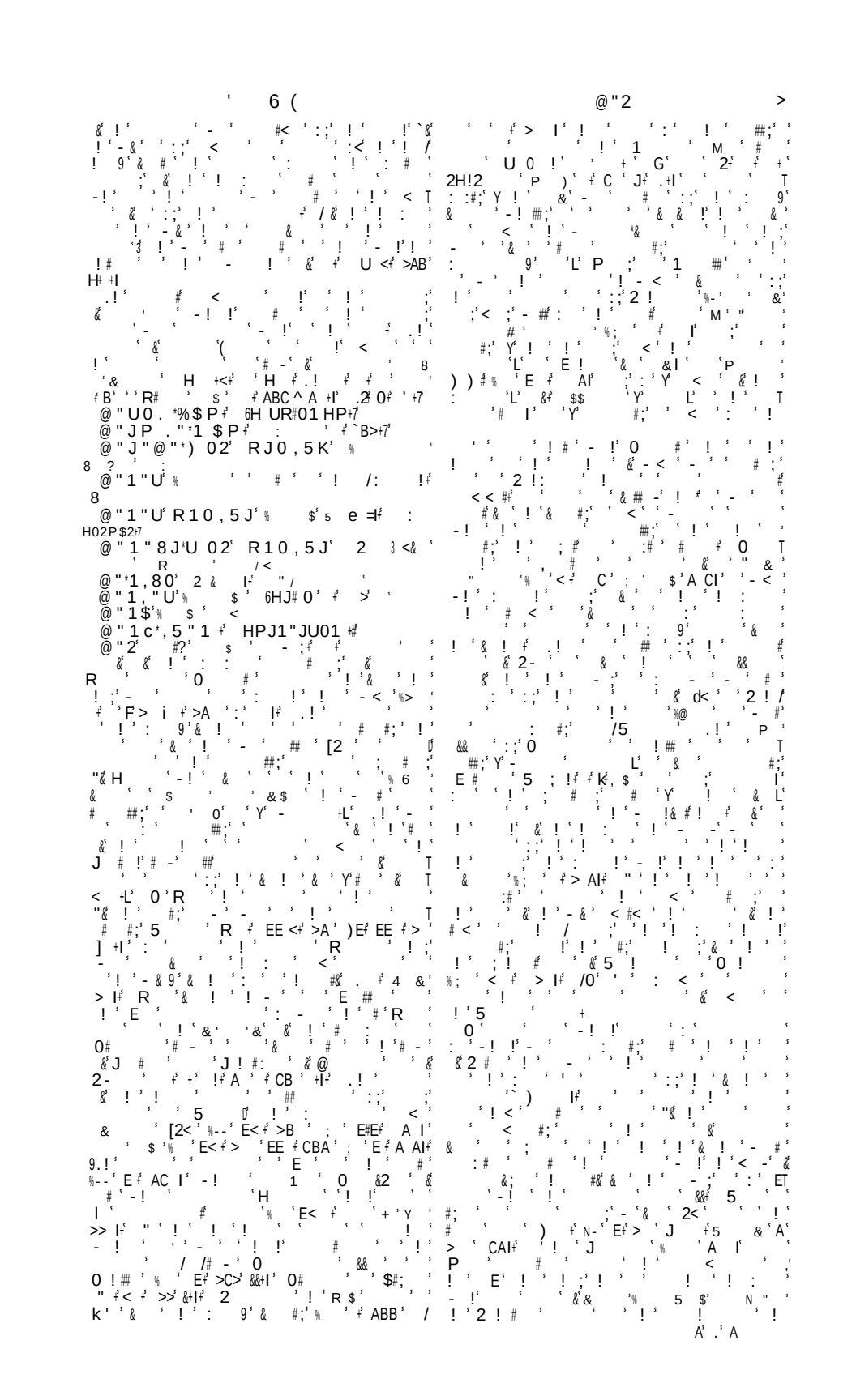


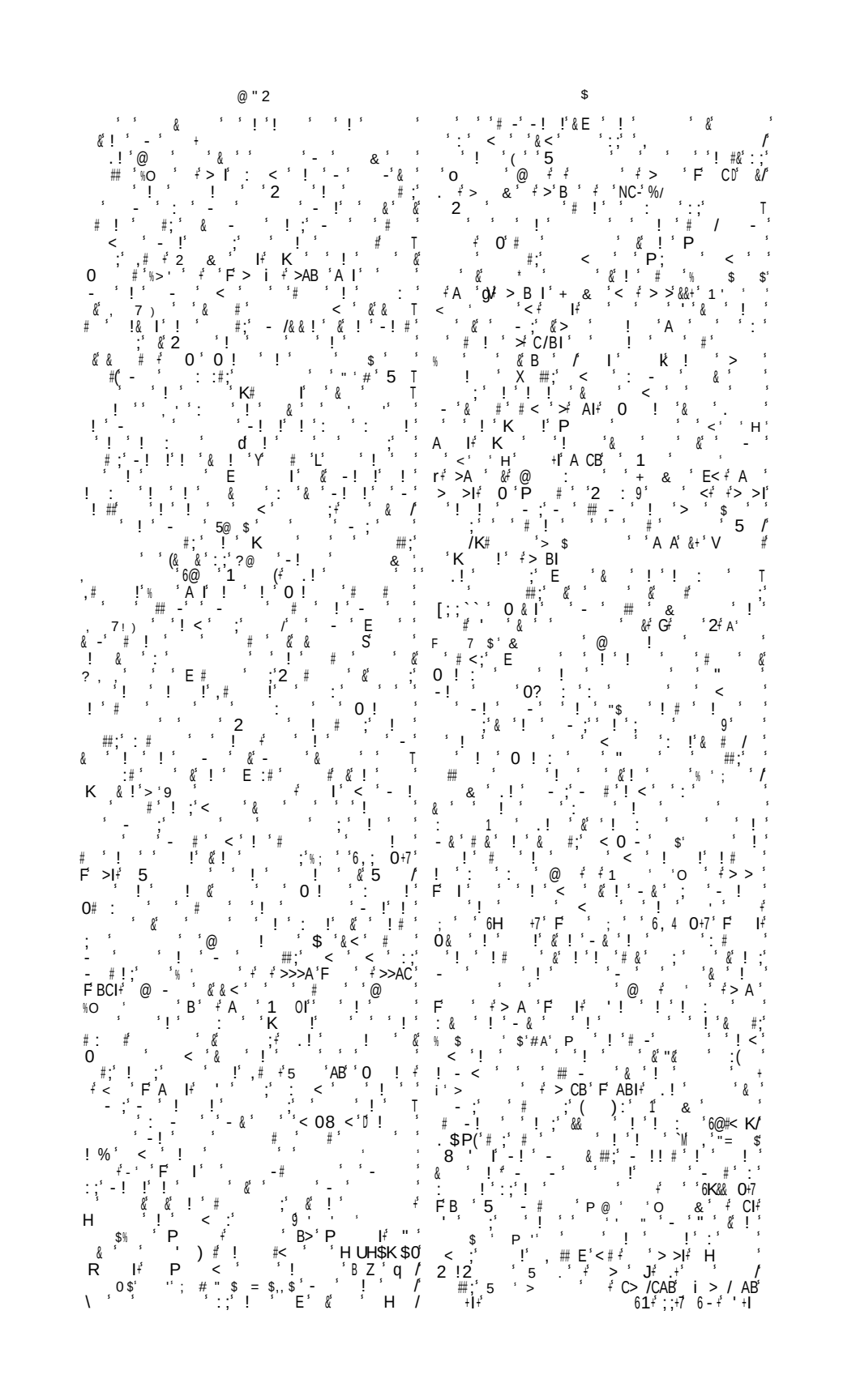


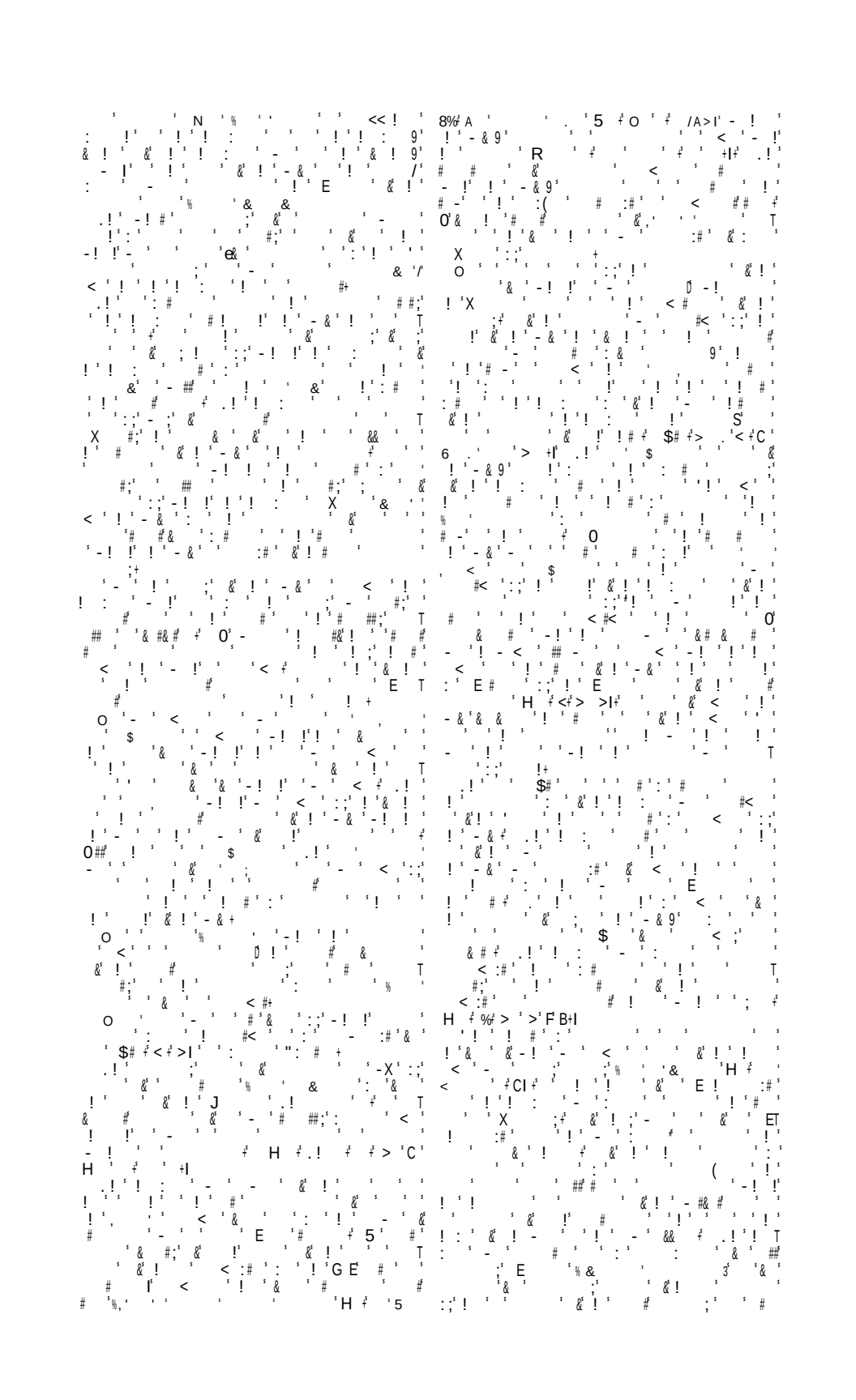


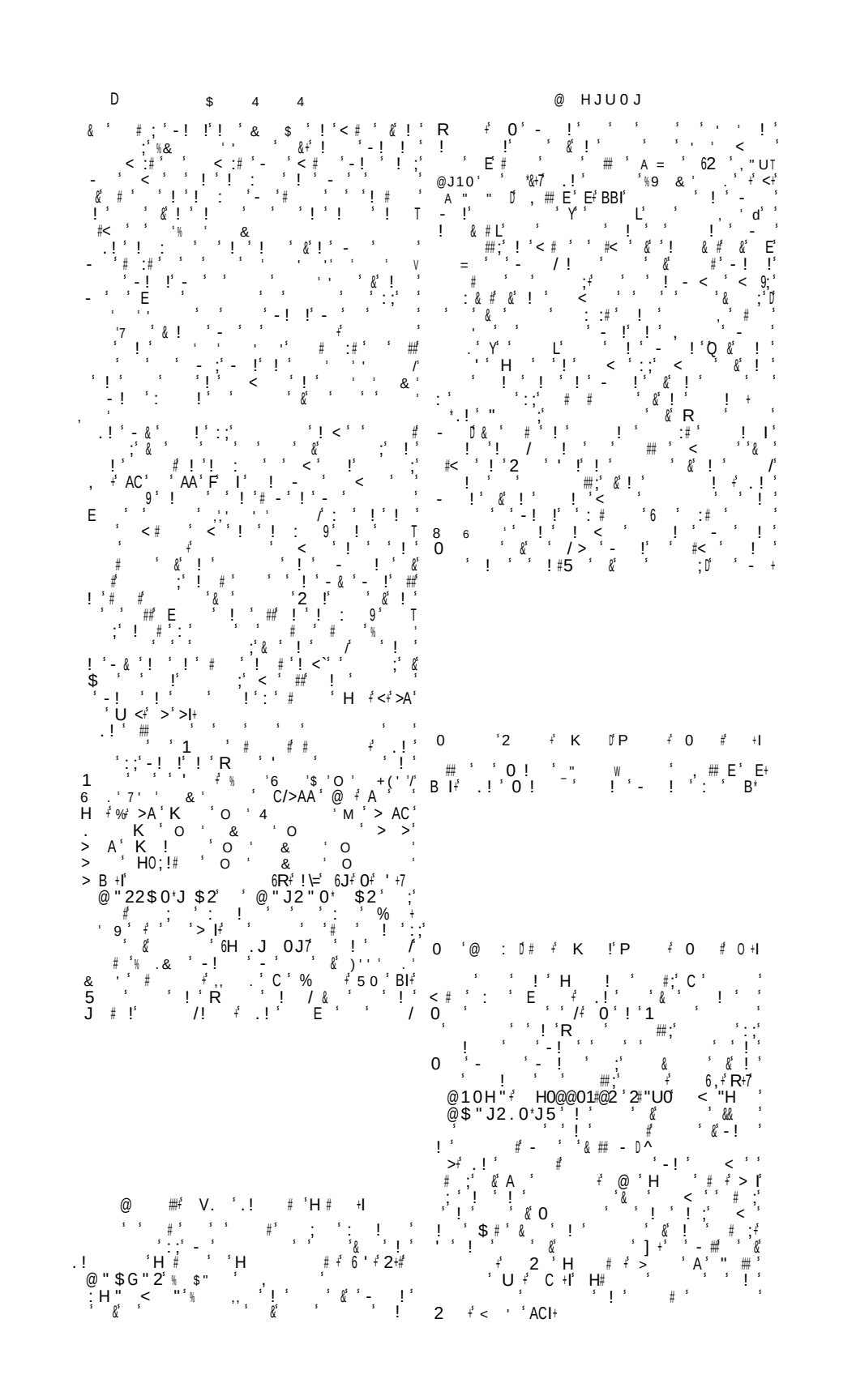


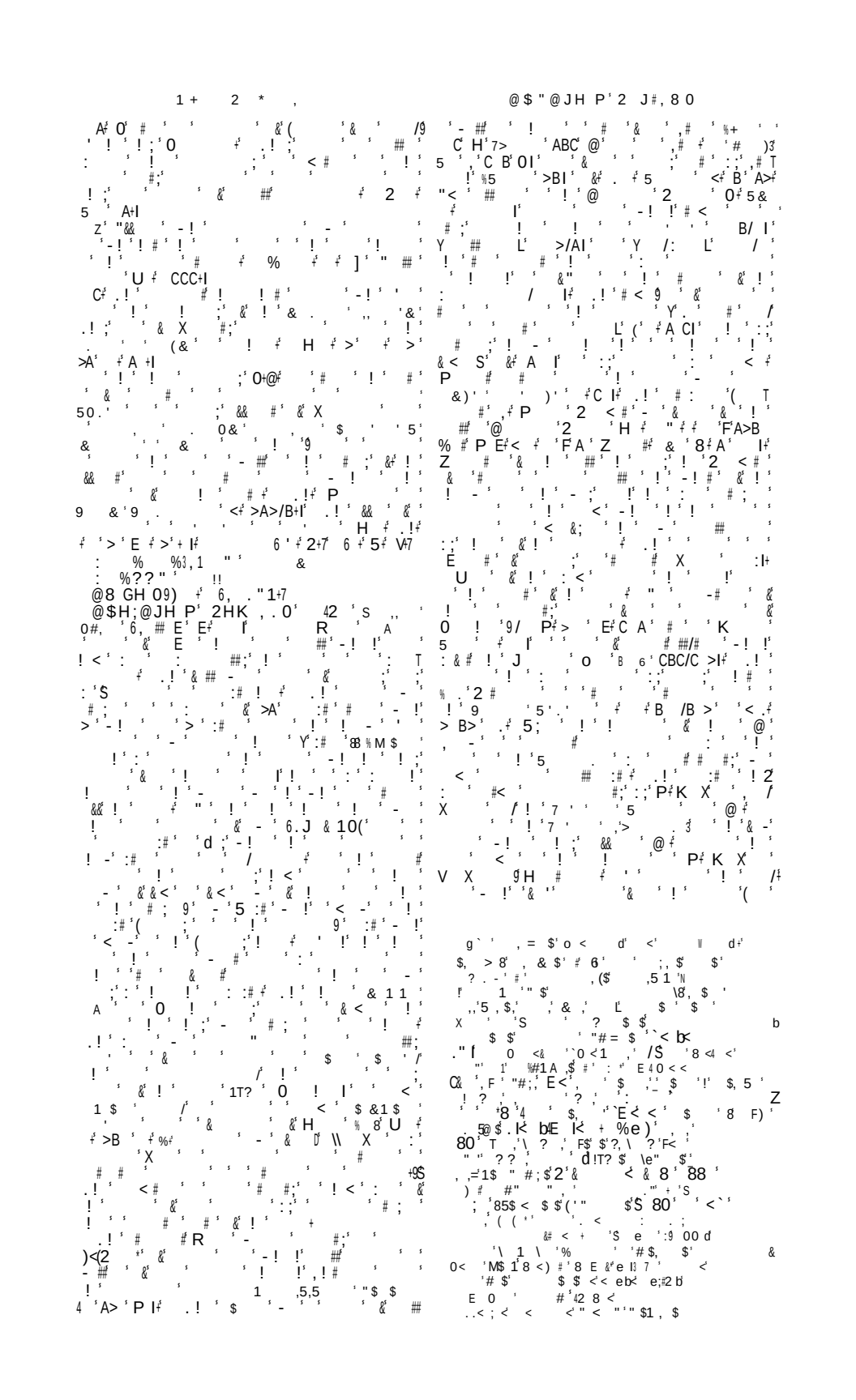


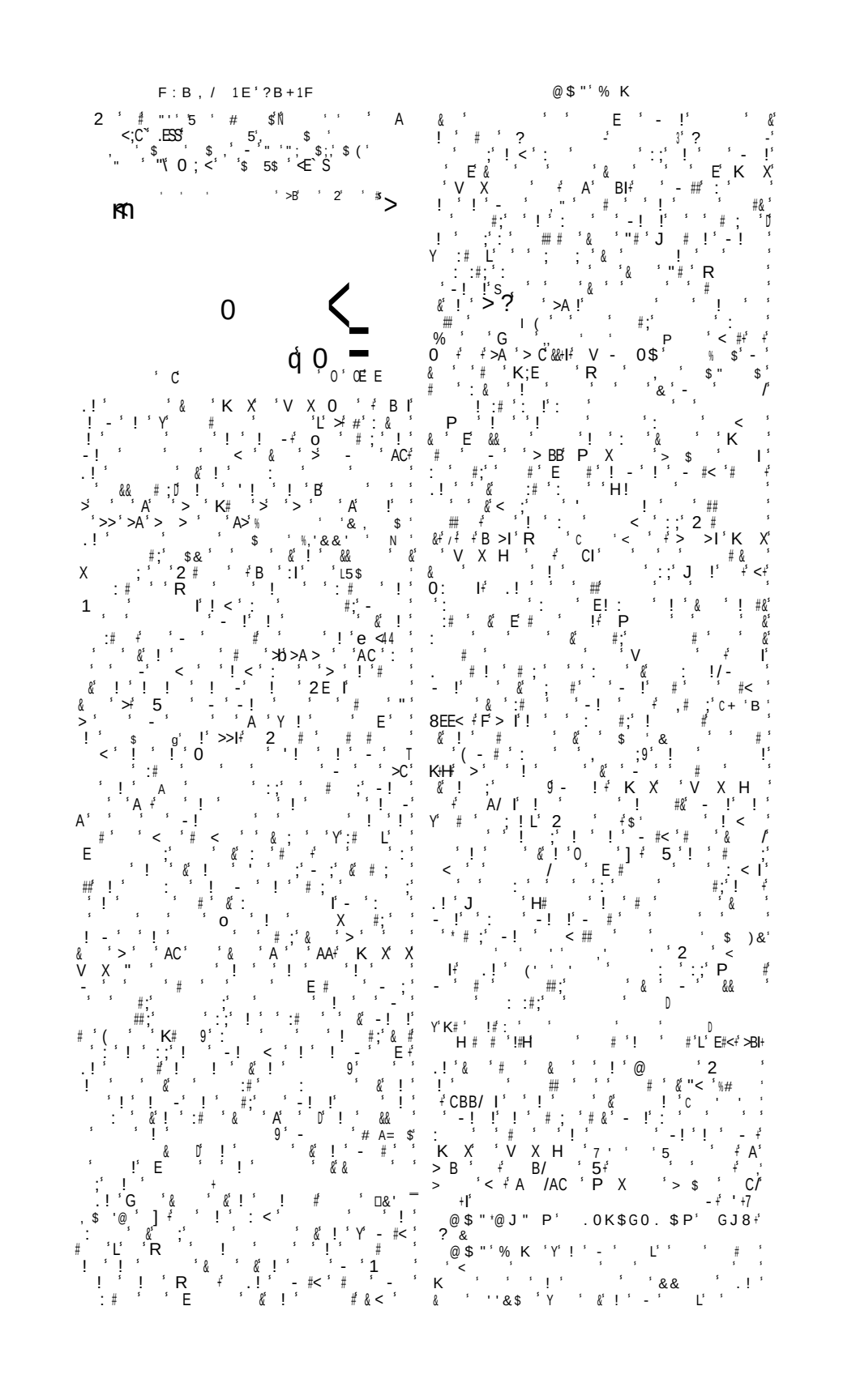












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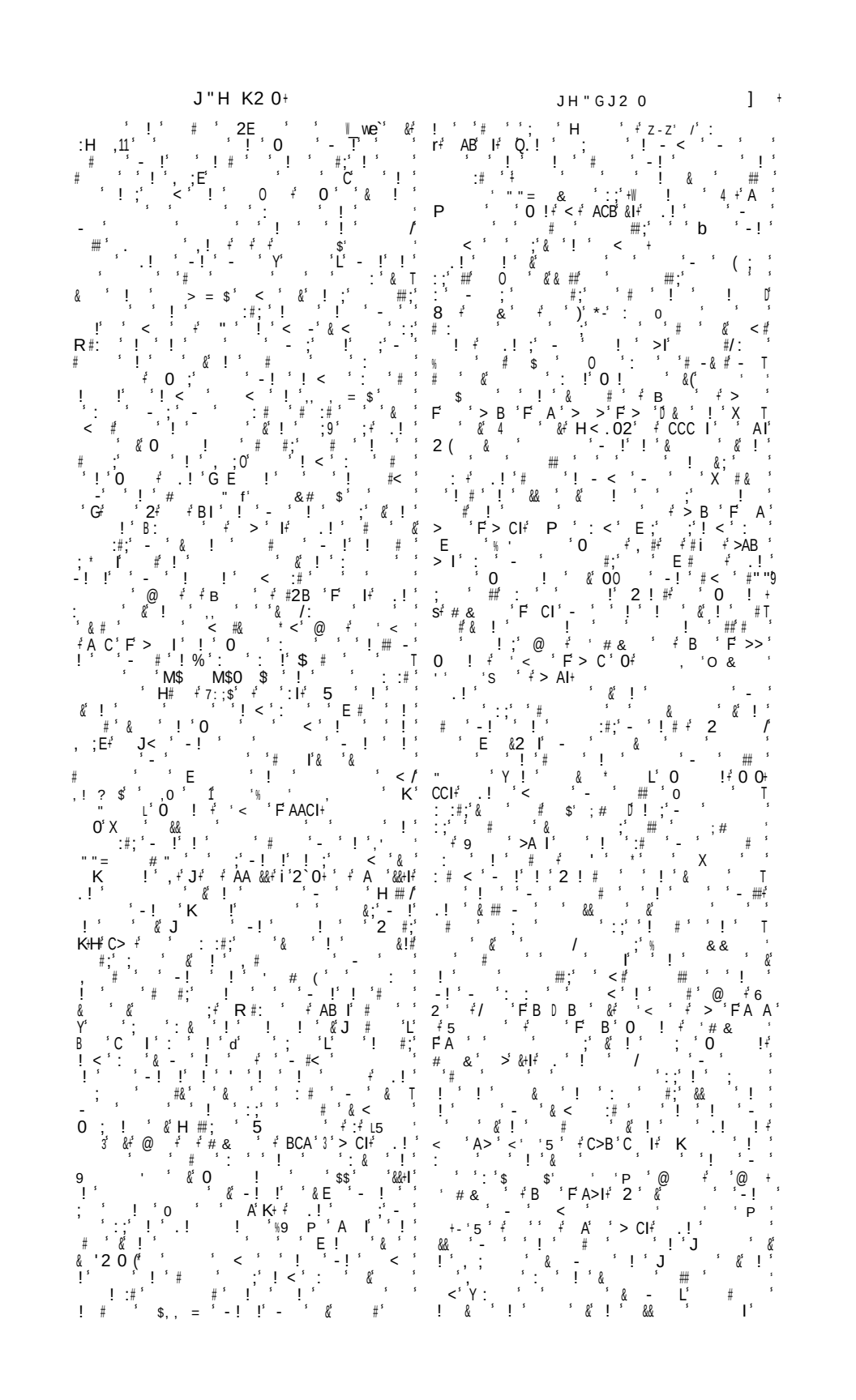

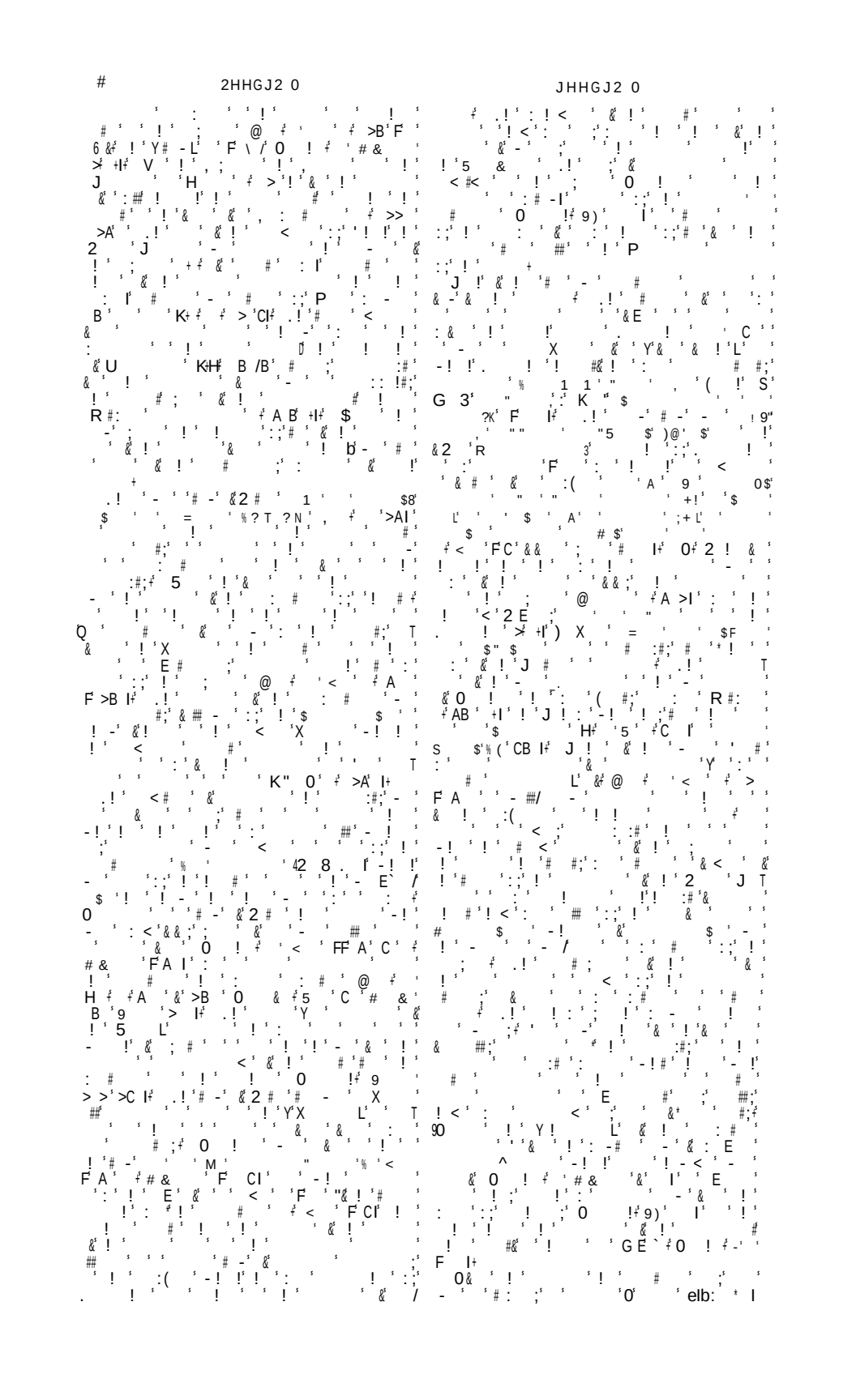

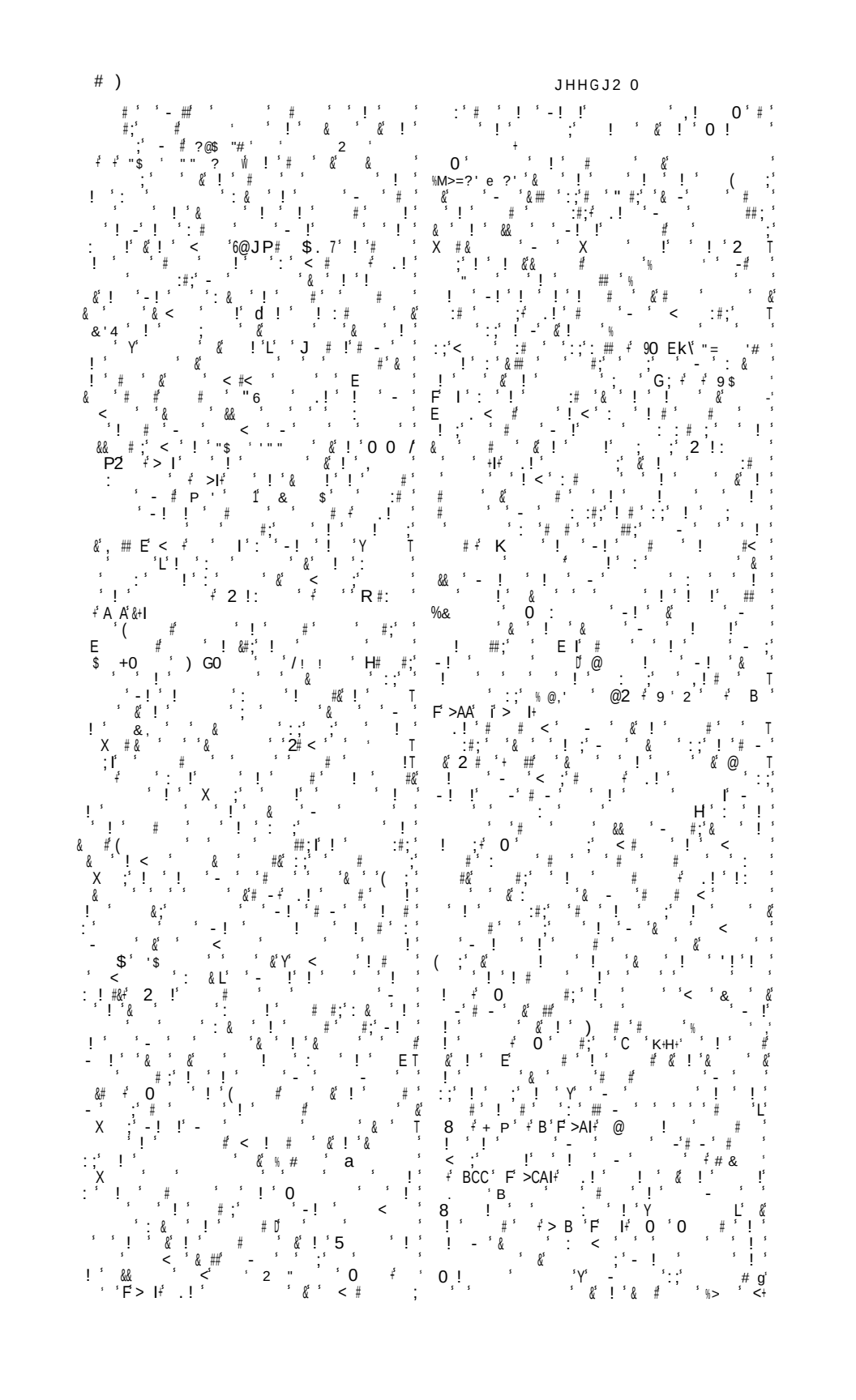

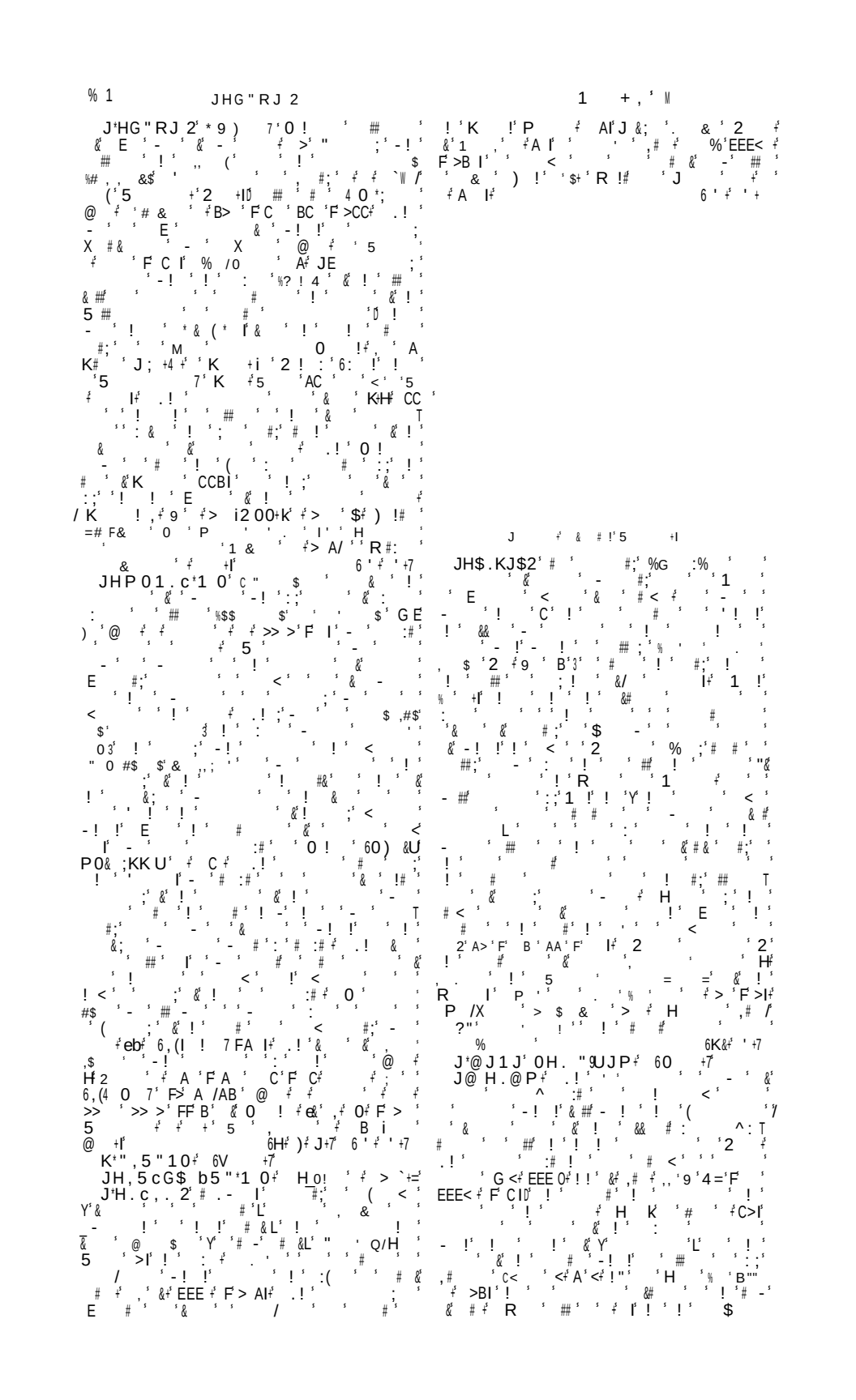

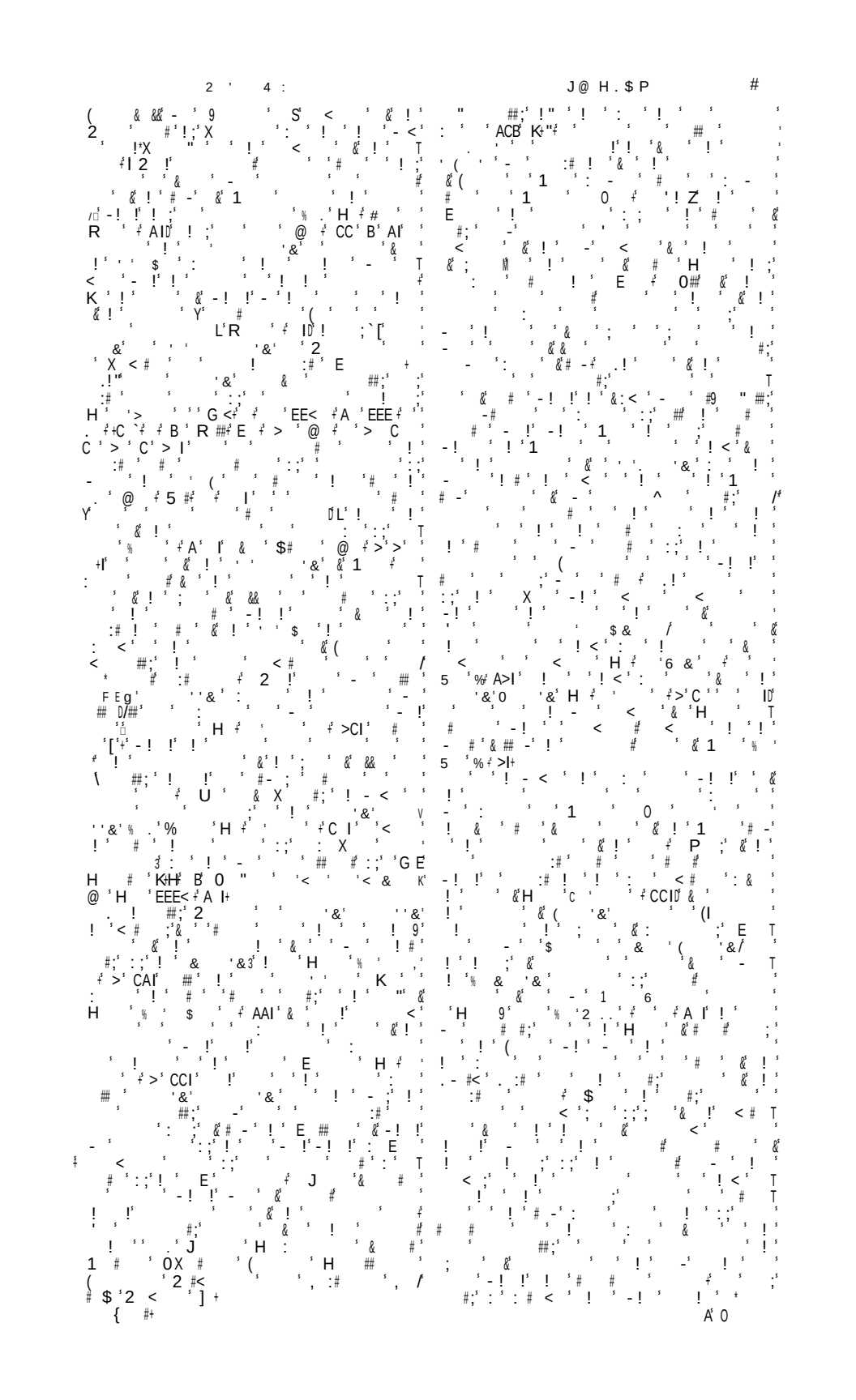

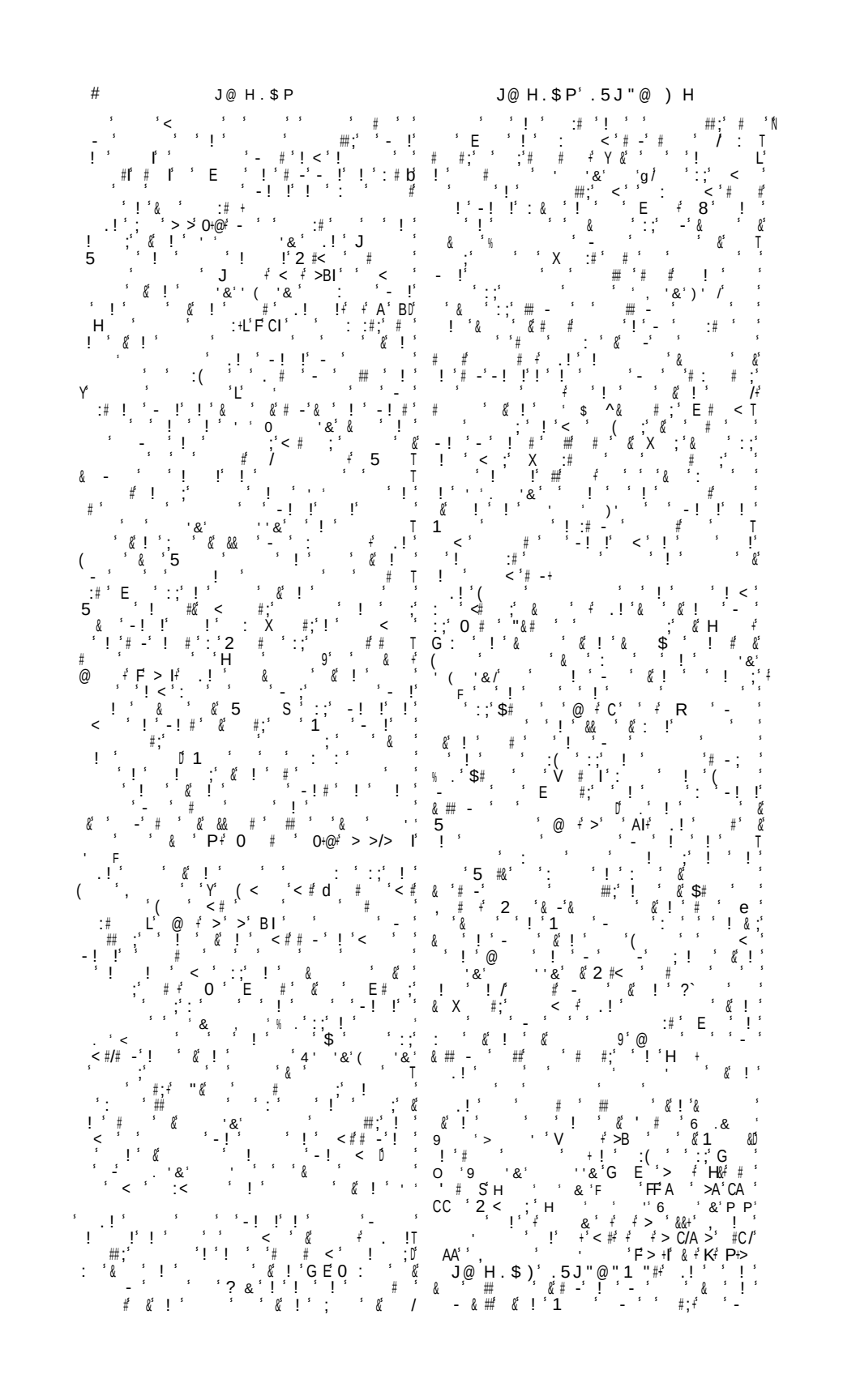

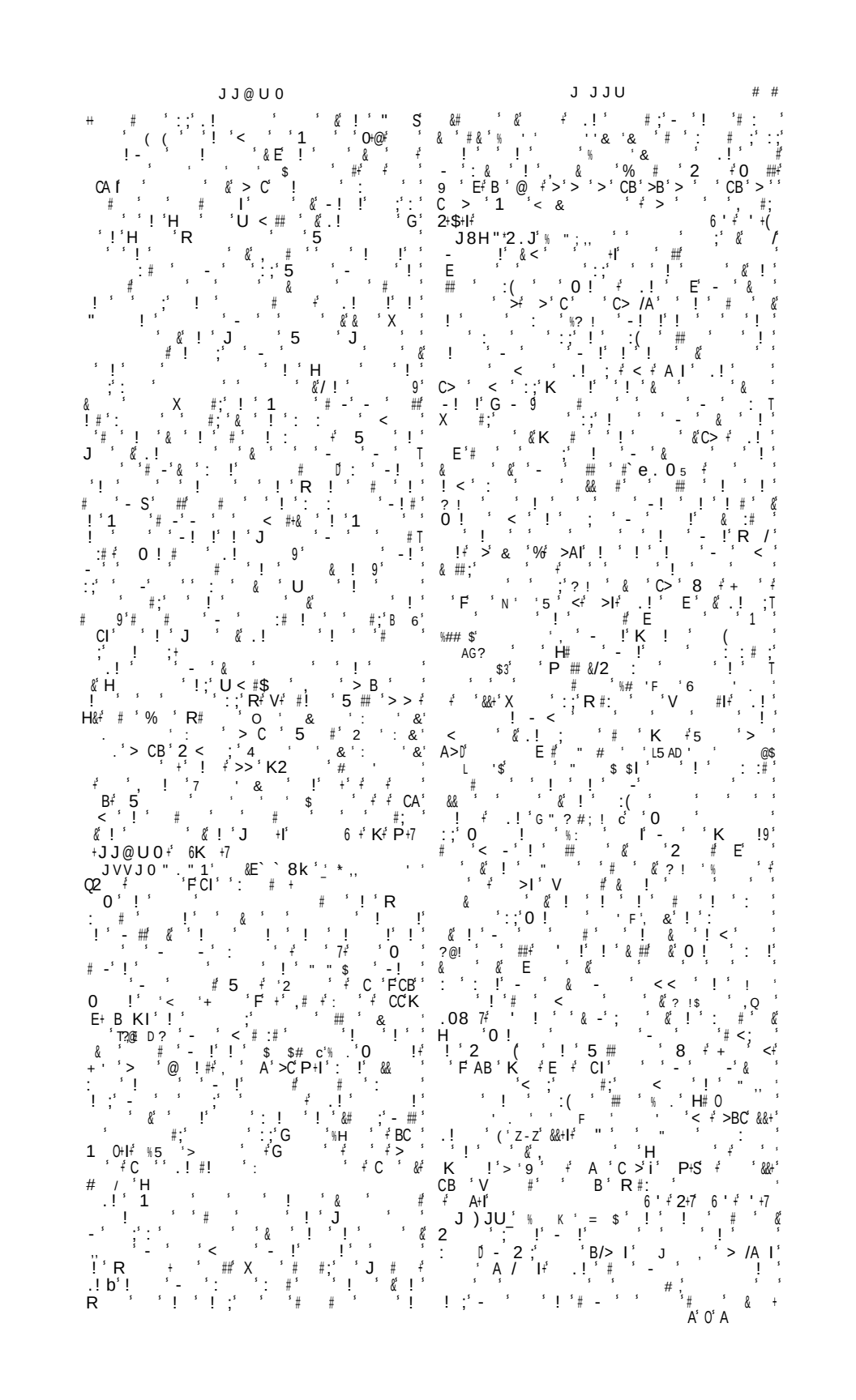

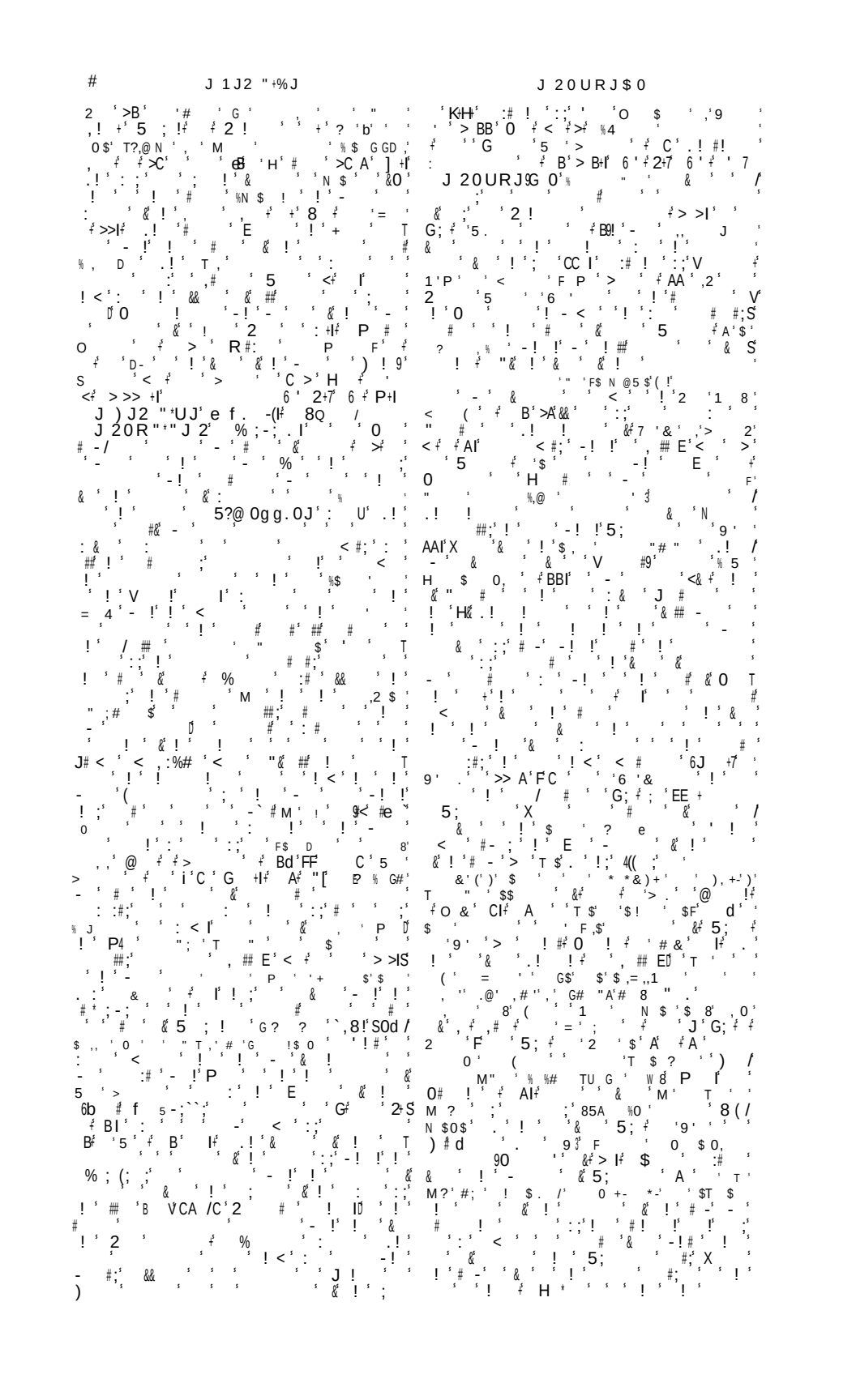

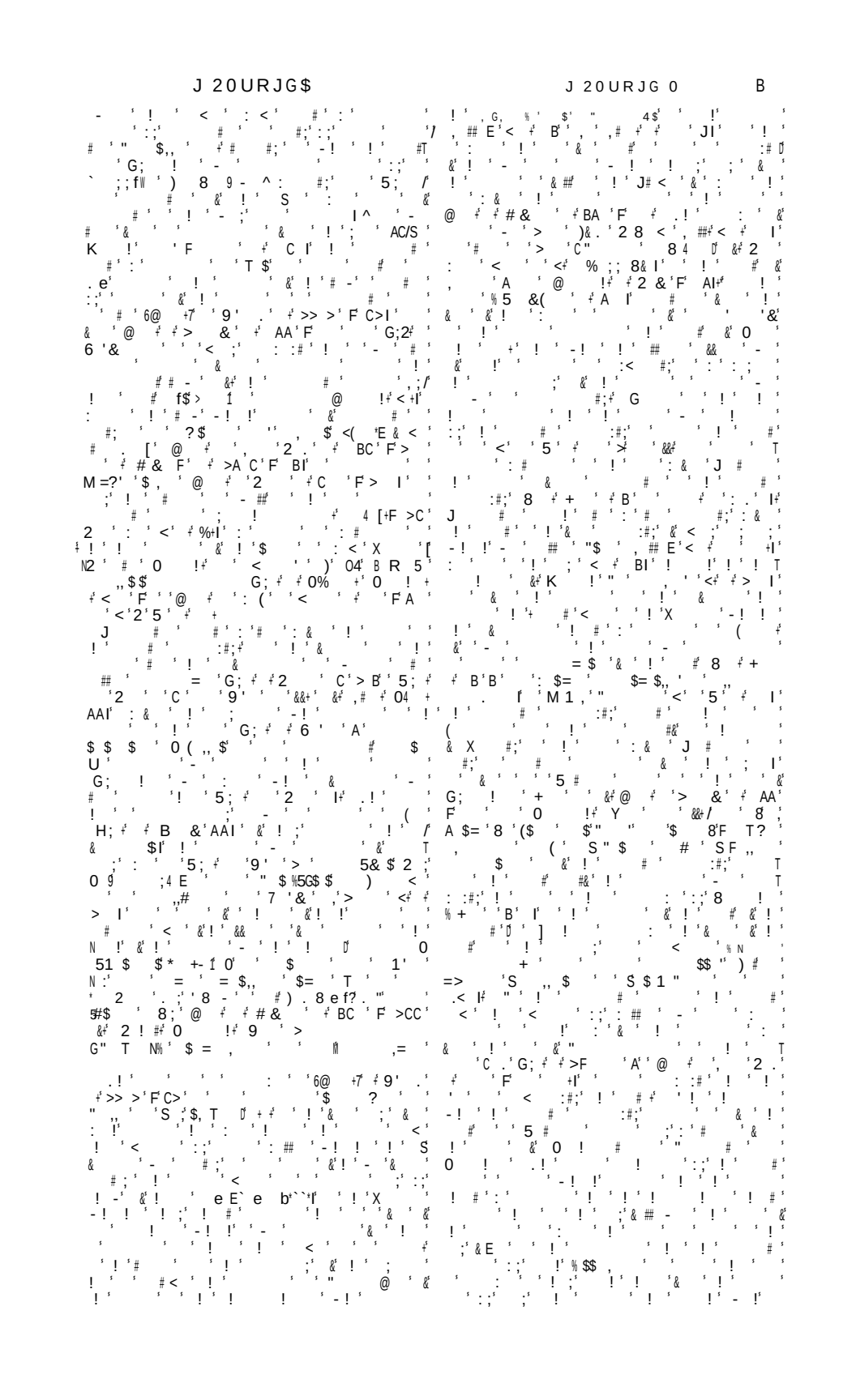

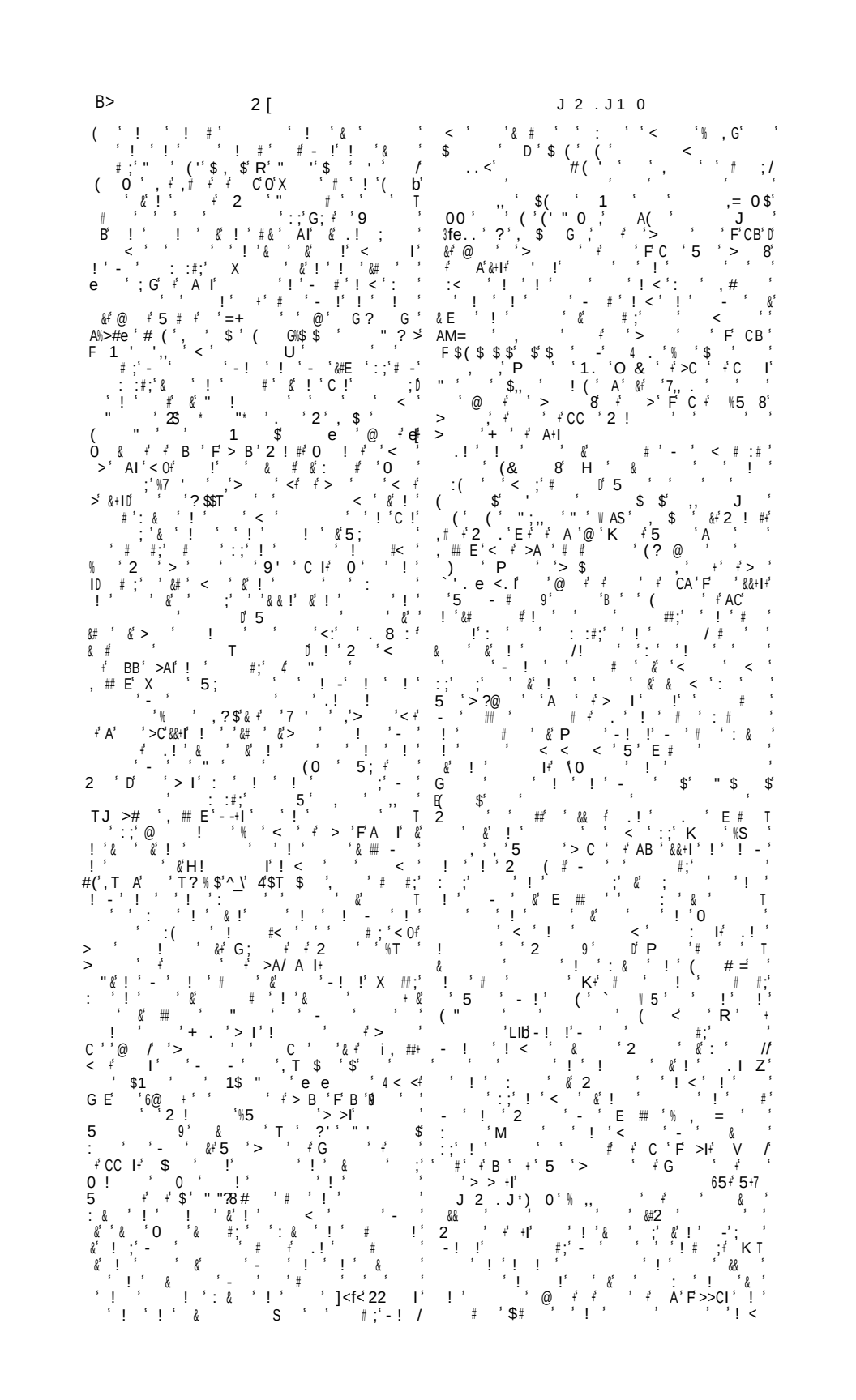

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shape of a stag or deer, and offered to the goddess. The festival of the elaphebolia was also celebrated in many other parts of Greece, but no particulars are known. (*Etym. M.*, s. v. Ἐλαφηβολιών.) [L. S.]

ELAPHEBO'LION. [CALENDARIUM.]

ELECTRUM, ἤλεκτρος or ἤλεκτρον. Lepsius has maintained (*Ueber die Metalle in den Aegypt. Inschriften*, Appendix) that the early Greek usage was to employ the masculine form when the mixture of gold and silver was intended; the neuter form when the mineral which we call amber was meant. It is likely that the Greeks were acquainted in very early times with the use of amber, trade in this mineral having taken place in pre-historic days between North and South Europe. They must also have been early acquainted with the compounded metal, since gold alike in Asia and Europe is commonly found mixed with silver. Which of the two substances therefore was first called electrum is a matter quite open to dispute. We will speak of them in turn.

(1) Amber. Beads of amber were found in the royal tombs at Mycenae; and chemical analysis (Schliemann, *Tiryns*, p. 370) has proved that this amber came from the Baltic, and not from elsewhere. Similar beads have also been found in the very early Greek (?) tombs at Ialysus in Rhodes. At a later period amber is mentioned in the Odyssey (xv. 460; xviii. 295) as a material of necklaces, which are said to be held together ἠλέκτροισι, by beads of amber. In one of these passages the necklace is spoken of as an import from Phoenicia. It is also stated (iv. 73) that the walls of the palace of Menelaus were adorned with amber, as well as gold, silver, and ivory. The author of the Shield of Herakles, ascribed to Hesiod, speaks of that shield (141) as adorned with electrum, in which case, however, the metal may be meant. In South Italy amber was in the archaic period used as a material for statuettes and reliefs; many specimens of this kind of work are in the British Museum. But the amber used in Italy seems to differ in many respects from that of the Baltic, and is more like the amber still found in small quantities in Sicily.

Many writers have maintained that there was a regularly used trade-route across Europe from the banks of the Baltic to the shores of the Euxine or Adriatic, by which amber was brought to the south in exchange for other wares, and that this route was used without intermission from prehistoric days onwards. But the only facts on which this view is based are the occasional discovery in Central Europe of the coins and art-products of Greece and Etruria, and the above-mentioned presence of pieces of amber in early Greek tombs. These facts are, as Furtwängler remarks (*Goldfund von Vettersfelde*, p. 49) not conclusive. It is more probable that the amber of early Greece was imported by the Phoenicians who sailed round the coast to the north of Europe, especially in view of the fact that after the Homeric age amber disappears from Greek tombs, and does not again figure until Roman times, when a regular trade with the Baltic coast had sprung up.

(2) Mixed gold and silver. The earliest certain mention of this mixed metal as electrum (rather ἤλεκτρος) is in Sophocles' *Antigone*, 1037, where the substance is said to come from Sardes: for Sardes by the Pactolus was noted in antiquity as the place whence came the river-gold, mixed when found with a considerable percentage of silver. Herodotus, however, speaking of this same Sardian metal in connexion with the donaria of Croesus to Delphi (i. 50), calls it white gold, λευκὸς χρυσός. Pliny remarks (*H. N.* xxxiii. § 80) that gold is invariably found mixed with silver (which is true), and that when the proportion of silver reaches a fifth, the metal is called electrum. He adds that electrum was made by art as well as found.

This white gold or electrum is used on the sword-blades found at Mycenae for purposes of inlaying. In later times it was used, as being a harder material than gold, for objects in which hardness was desirable. By far the most important use to which it was put was as a material for coins.

In the 7th century B.C., or possibly late in the 8th, the kings of Lydia began to issue stamped money of electrum, using probably the metal in its natural state, and the maritime cities of the Asiatic coast and of Euboea adopted the idea. Information as to the standards of weight used

Early electrum Stater, probably struck at Miletus before B.C. 623. (British Museum.)

in these issues is given under PONDERA. For some time, until silver was first minted at Aegina, all the coinage of the world consisted of stamped pellets of electrum, though no doubt unstamped bars of gold and silver circulated with them. It is observed by Mr. Head (*Numismatic Chronicle*, 1875, p. 254), in his excellent account of early electrum coins, which is mainly based on the researches of Brandis (*Münz-Mass- und Gewichtswesen*), that the mixed metal had two advantages over pure gold in circulation: (1) it was more durable; (2) the proportionate value of gold to silver being 13⅓ to 1 (Herodotus says 13), and electrum being of three-fourths the value of gold, each coin of electrum would pass as the equivalent of ten silver bars of equal weight. It is considered that this proportion is shown to have actually held by the fact that everywhere electrum was minted on the standards of weight in use for silver, and not on the (different) standards in use for gold, which seems to show that the proportionate values of electrum and silver were very simple. It must, however, be cited as an objection to the views of Brandis and Head, that in the cases in which the proportion of gold to silver in electrum coins has been determined by chemical analysis or specific gravity, a far less proportion of gold than three to one has been discovered, a proportion indeed sometimes less than one to one, so that it is difficult to see how electrum can have been considered as of three-fourths of the value of gold. On this subject further investigations are necessary.

It is believed that Croesus first introduced in Asia, in place of the coinage of electrum, money

of gold and of silver. The conquering Persian kings adopted the Lydian currency and imitated it, and coins of electrum went rapidly out of use. But at a somewhat later time, about B.C. 500, electrum was again issued by a few cities, more especially Cyzicus, Phocaea, and Lampsacus.

Electrum Stater of Cyzicus. (British Museum.)

The staters and hectae (sixths) of those cities were current in the Euxine, Asia Minor, and Greece. They are mentioned in Attic inscriptions from B.C. 434 onwards. Cyrus the younger paid his Greek mercenaries a Cyzicene stater a month (Xenoph. *Anab.* vii. 3, 10), and Demosthenes states in his speech against Phormio (B.C. 333) that in Pontus Cyzicene staters passed as equivalent to 28 Attic drachms of silver. [See STATER.]

We possess the text of a curious commercial treaty concluded between Phocaea and Mytilene, for the issue in common by the two states of hectae or sixths of electrum. For the details, see Newton in *Trans. Roy. Soc. Lit.* viii. p. 549. Each of the cities was in turn for the space of a year to mint these coins, which were to be in both a legal tender, and provisions were made for punishing any person who debased the currency below the normal standard. But the paleness of these hectae, which still exist in large numbers, proves that they did not contain a high proportion of gold. In the fourth century, electrum coins were largely used at Carthage, and in the time of Timoleon at Syracuse. [P. G.]

ELENCHUS (ἔλεγχος). [INAURIS.]

E'LEPHAS (ἐλέφας, *ebur; elephantus*, poet., Verg. *Georg.* iii. 26; *Aen.* iii. 464, vi. 896). African ivory was known to the ancients, through Phoenician trade, long before the elephant (from Libya in the time of Pheidias: *Hermipp. fr.* 61 M.; Pausan. i. 12, 4). Accordingly, early writers—Homer, Hesiod, Pindar—speak of the material only. Herodotus, indeed, was aware of its origin (iv. 191; Plin. *H. N.* viii. § 7), but the Greeks generally only became acquainted with the animal from the Macedonian expeditions into Asia, the Romans with the arrival of Pyrrhus in Italy. Both words ἐλέφας, *ebur*, probably contain the Egyptian *âb* (ivory, elephant). (O. Schrader, *Linguist. histor. Forsch. zur Handelsgesch.* i. 71.)

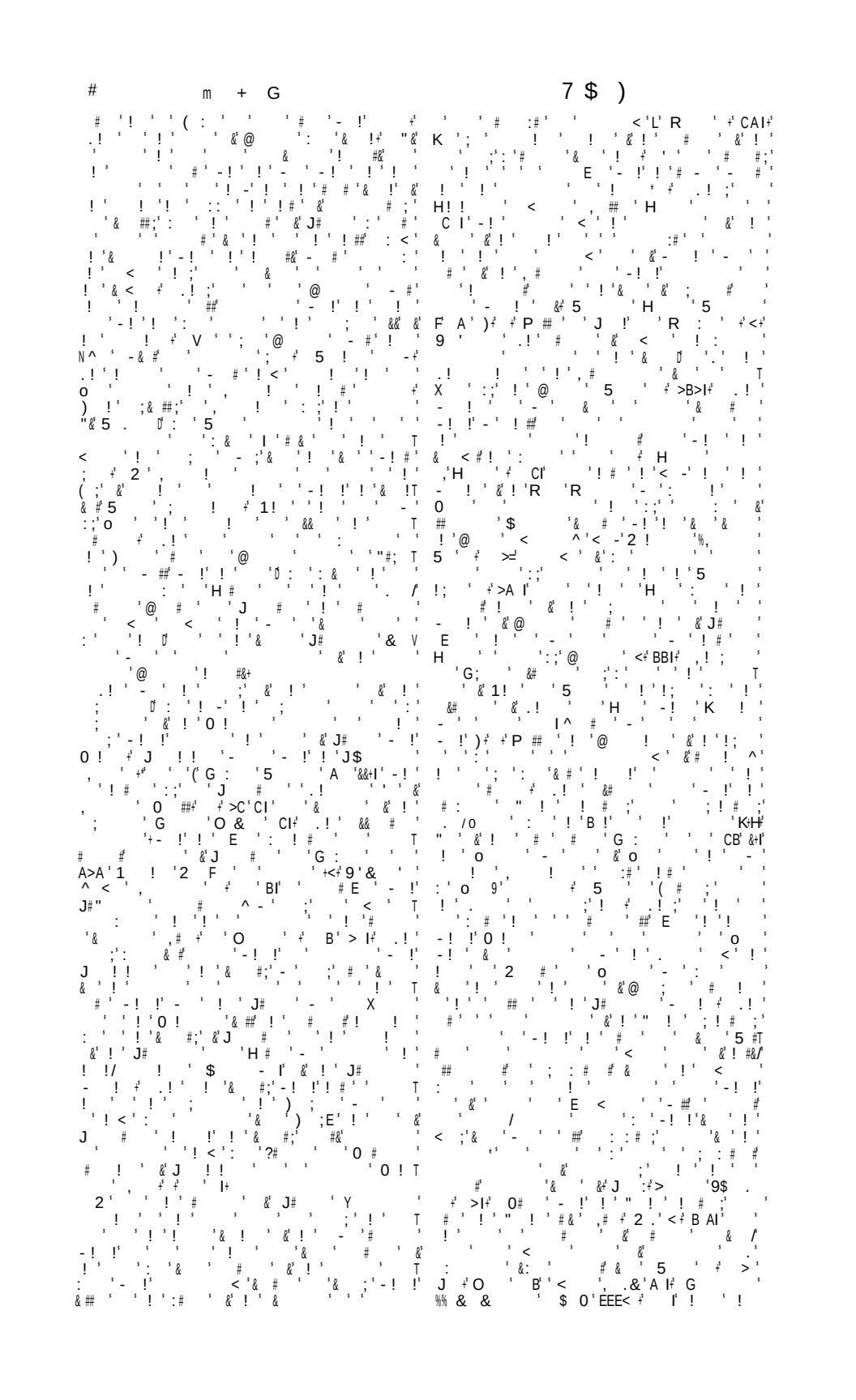
The use of ivory in the manufacture of small objects of use or ornament, and for purposes of decoration, is earliest in Egypt and Assyria. There have been found, for instance, castanets, stick-handles, hilts and hefts, combs, flutes, sceptres, caskets, statuettes, made of the tusk, and many different articles of furniture inlaid with it. In Homer, besides its employment when carved in mass, it is referred to in connexion with walls, doors, harness, &c., and was then probably attached in plates by nails to a metal or wooden ground. The chest of Kypselos, which was of cedar embellished with ivory reliefs, was probably an example of the latter method; so also perhaps the bedstead of Hippodameia (Paus. v. 17, 2; v. 20, 1). In later times, true *inlaying* was resorted to, and almost every kind of furniture, as beds, sofas, thrones, carriages even, enriched with the precious material. It is probable that at the time of the Empire the use of ivory in the arts was much more extensive than at the present day, and the supply abundant.

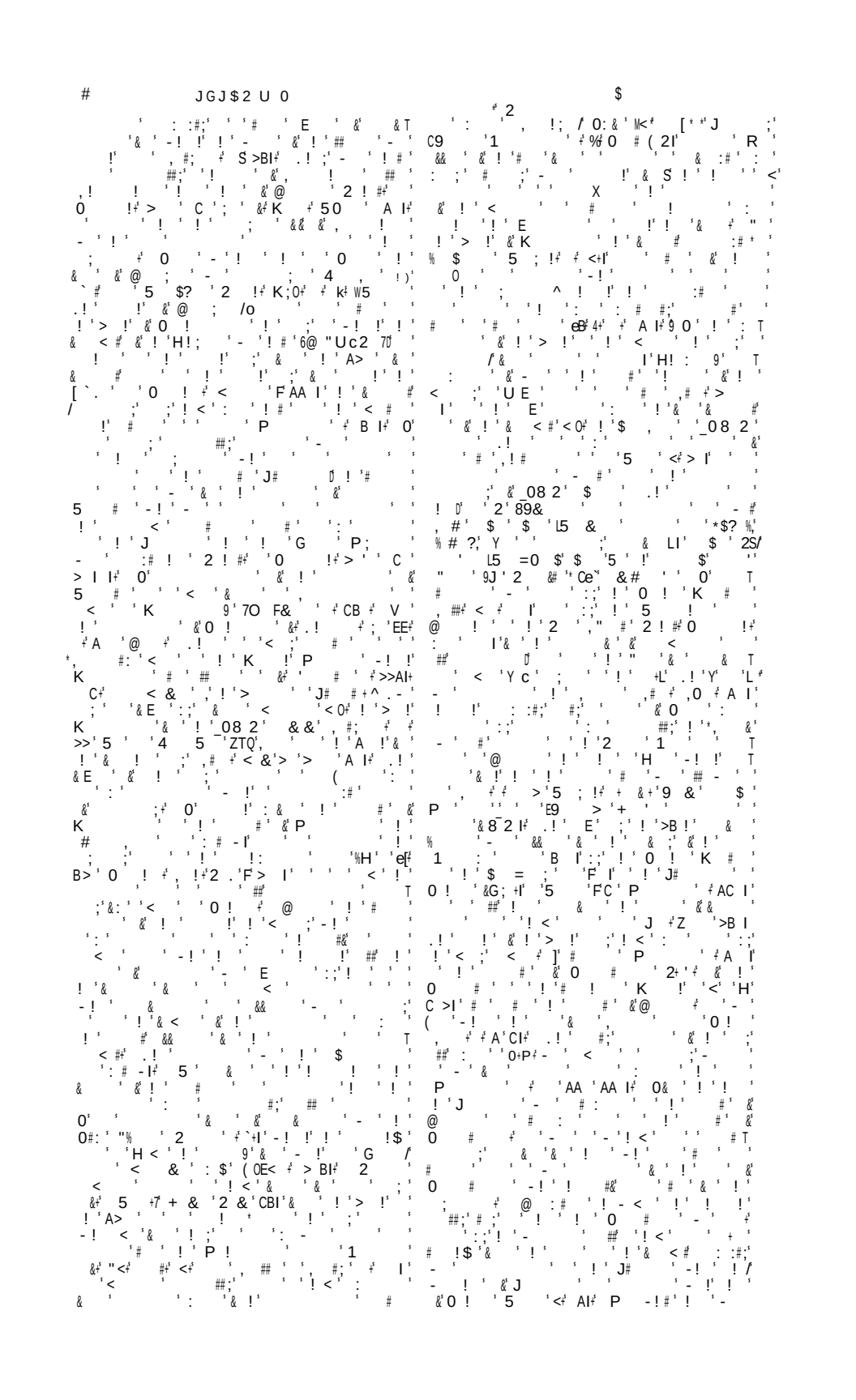
Among objects not enumerated above may be mentioned masks and writing-tablets. The latter (δέλτοι, *libri elephantini*), with two, three, or more leaves (*diptycha, triptycha, pentaptycha*, &c.), were either entirely, or had their covers only, of ivory. Those extant are chiefly of later Roman age. They are of two classes, *consularia* and *ecclesiastica*, distinguished by the subjects of the carvings on their covers, the former being figures of consuls at the *pompa circensis, missiones*, &c., while the latter are of a biblical nature (Müller, *Arch. d. Kunst*, § 312, n. 3). They were presented to officers and dignitaries to commemorate their appointment. [DIPTYCHA.]

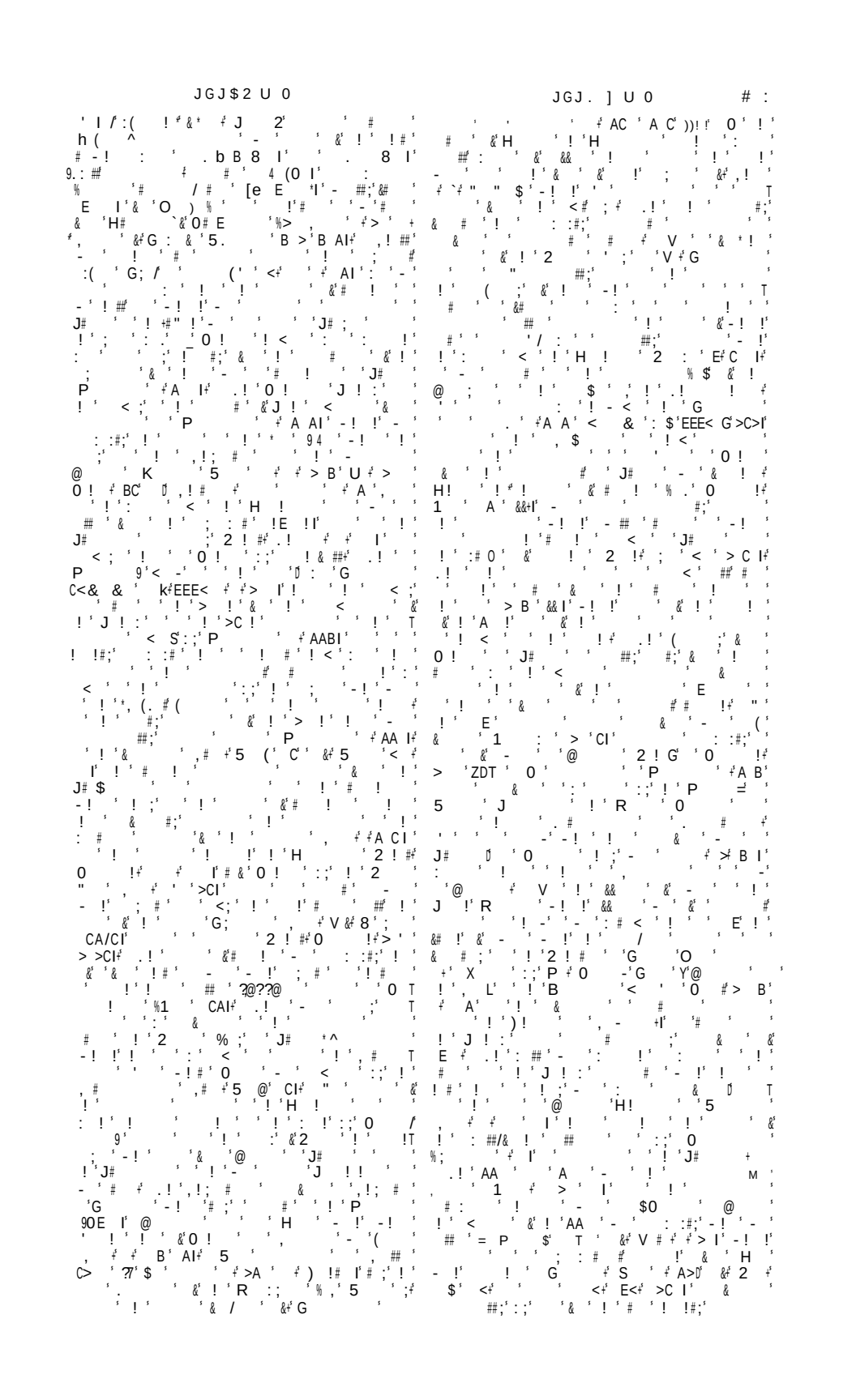
For further information, see H. Blümner, *Kunstgew. im Alterth.* i. 113, &c., ii. 64; id. *Technol. u. Terminol. d. Gewerbe*, &c. ii. 361–375, where there is a full bibliography. Compare CHRYSELEPHANTINA. [J. M.]

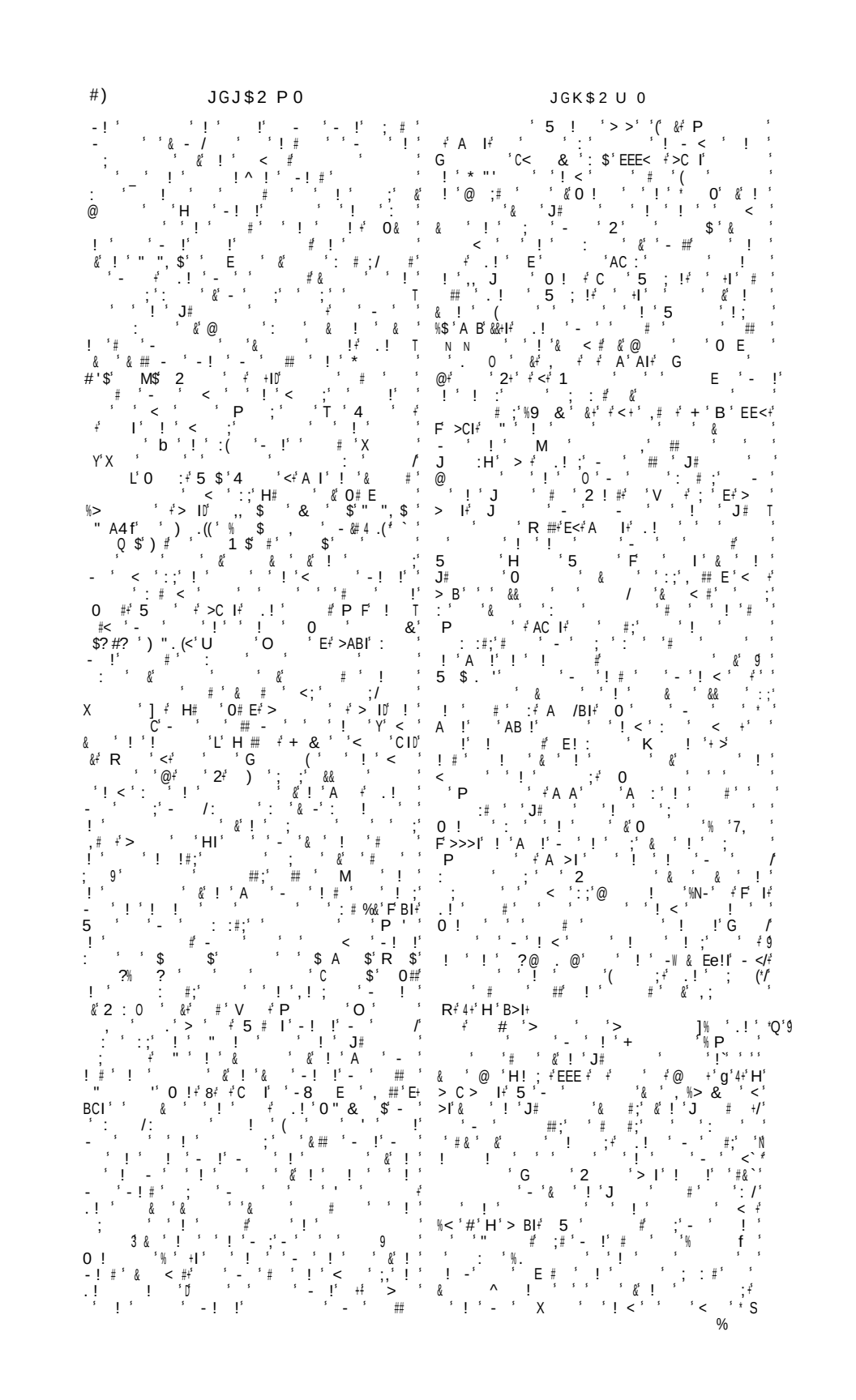
ELEUSI'NIA (Ἐλευσίνια). This title was chiefly applied to a festival held by the Athenians in autumn, in honour of Demeter, Persephone, and Iacchus, consisting of sacrifices, processions, and certain mystical ceremonies. It was one of the most important festivals of Greece, dated from the earliest times, and continued to maintain its high position long after living Greece was no more, and everything else in that country had either perished or become mean and contemptible (cf. Aristides, *Or. Eleusinia*, vol. i. p. 259, ed. Jebb).

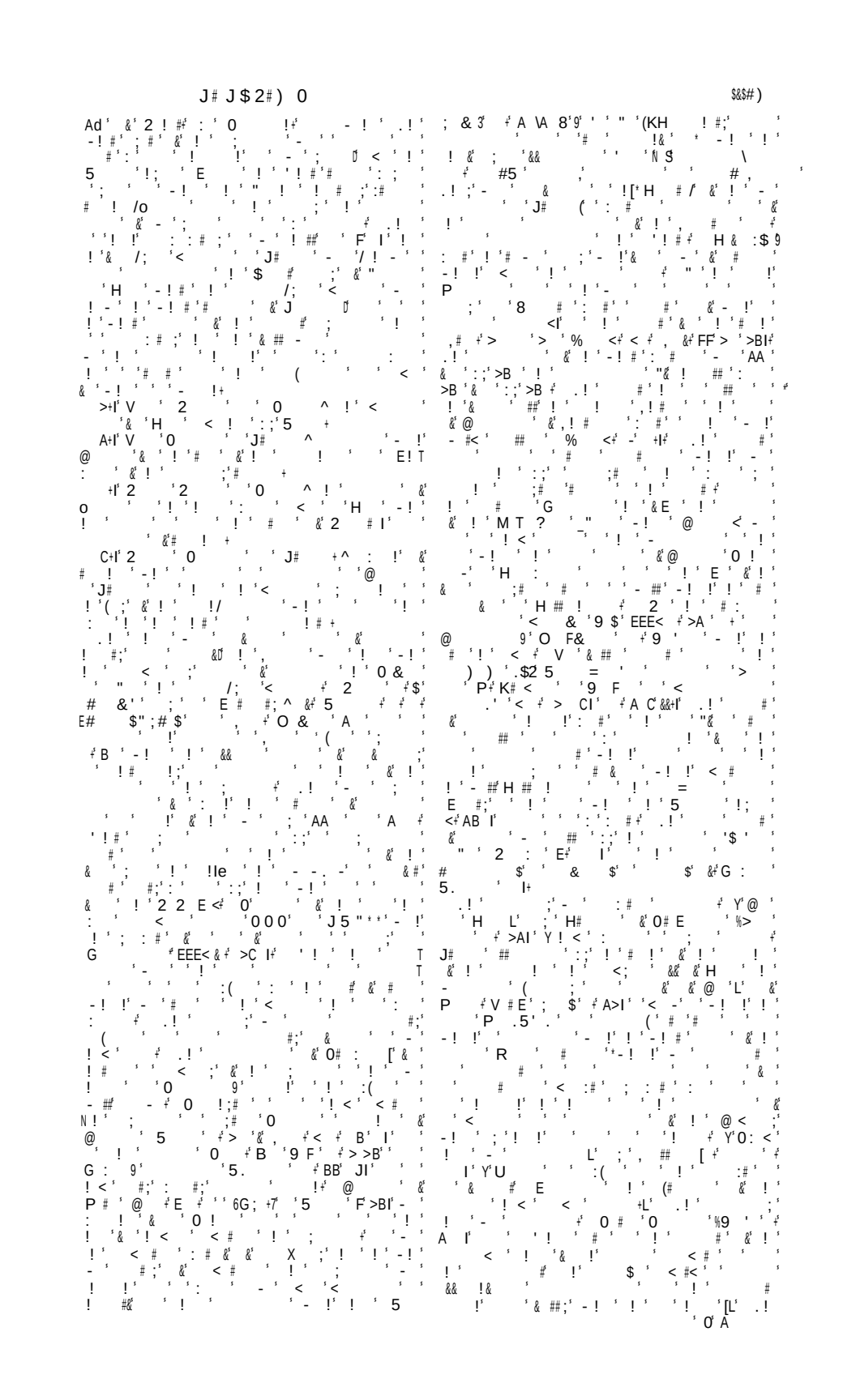
1. *The Origin of the Eleusinia.*—The mythical origin is contained in the Homeric hymn to Demeter, which tells how Persephone, while gathering flowers, was, with the connivance of Zeus, carried off by the god of the lower world, Hades or Polydegmon (the great receiver); and how her mother Demeter, daughter of Rhea, searching distractedly for her child, is advised by Hecate to consult Helios, who sees all things; and how Helios in pity tells her that Zeus has granted to Hades to carry off her daughter to be his wife. Forthwith Demeter changes herself into an old woman; and as she wanders forth disconsolate through the world, she comes to Eleusis, and sits down on the cheerless stone by a well. Anon the daughters of Celeus, the king of Eleusis, come to the well to draw water. They bring her to their home, where Metanira, wife of Celeus, gives her the latest born child, Demophoon, to nurse. But Demeter is still bowed down with grief: she sits dignified but silent in her room, till the jests and raillery of Iambe, the servant-maid, at last make her smile. She consents to take food and drink, but will have no wine, only a mixture (κυκεών) of water with barley-meal and mint. Days go on, and the child Demophoon thrives beyond what mortal child was wont, for a goddess was his nurse: she used to anoint him daily with ambrosia, and place him in the fire by night. But a little more time and the child would have been immortal, when one night Metanira saw the nurse











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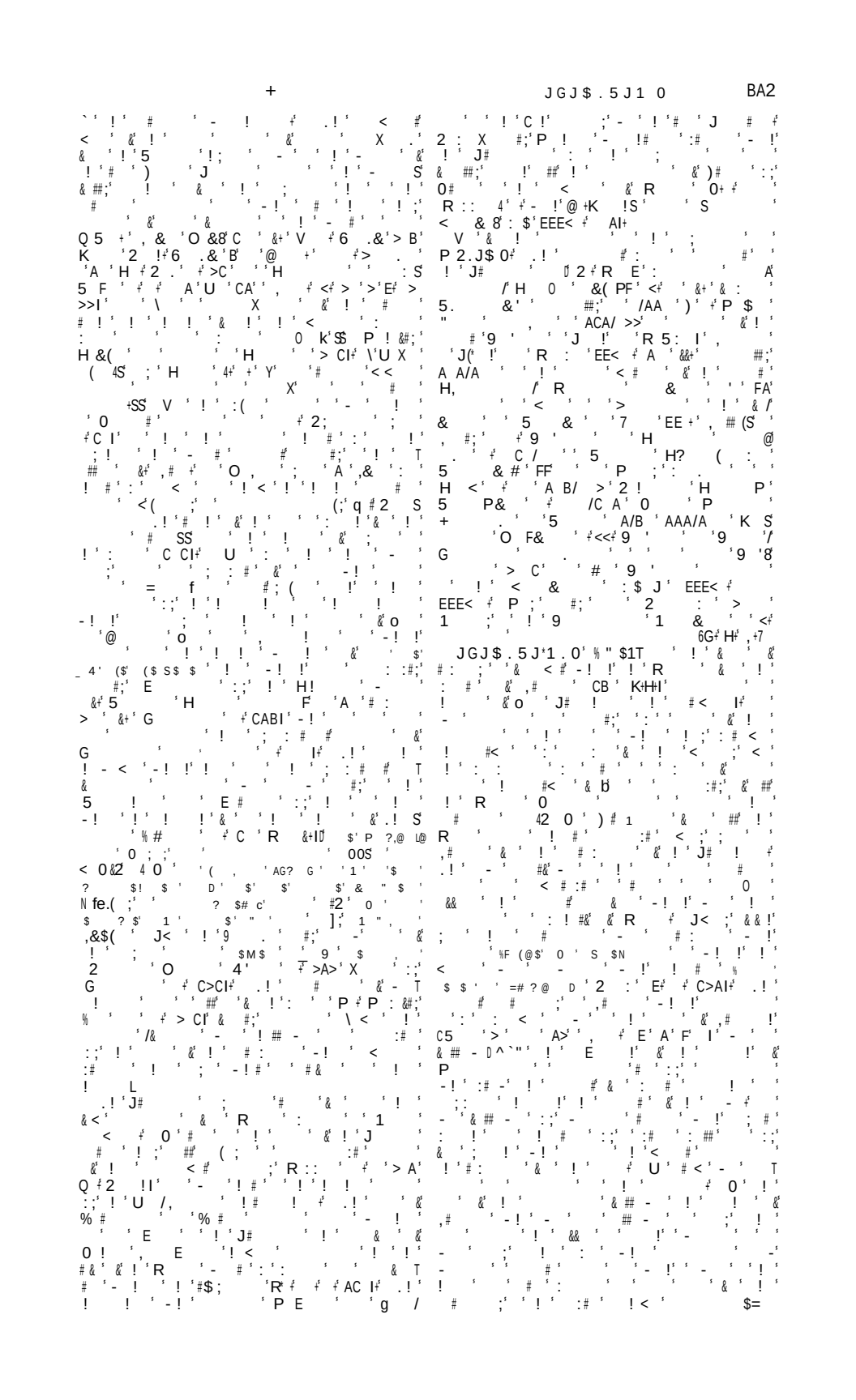

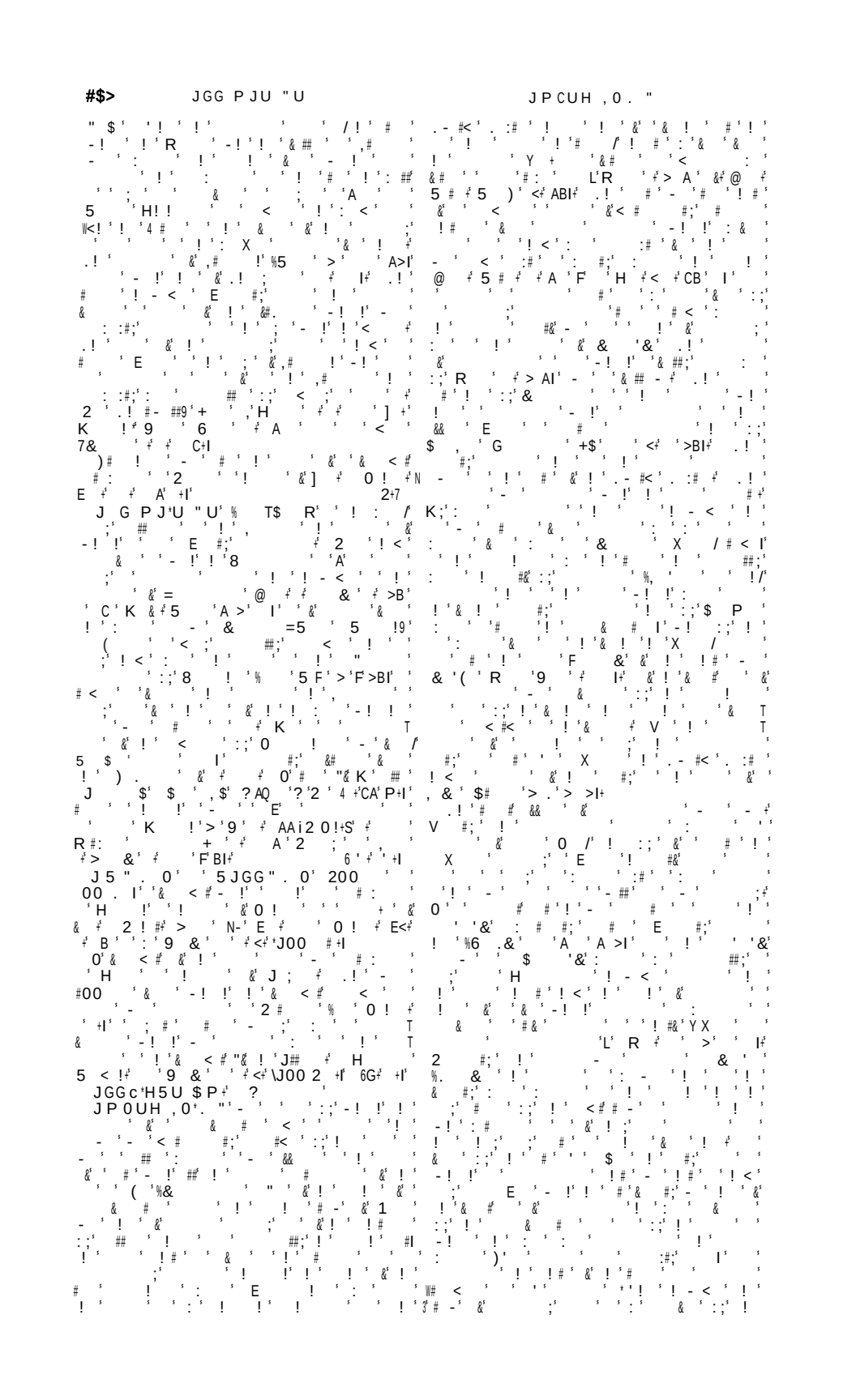

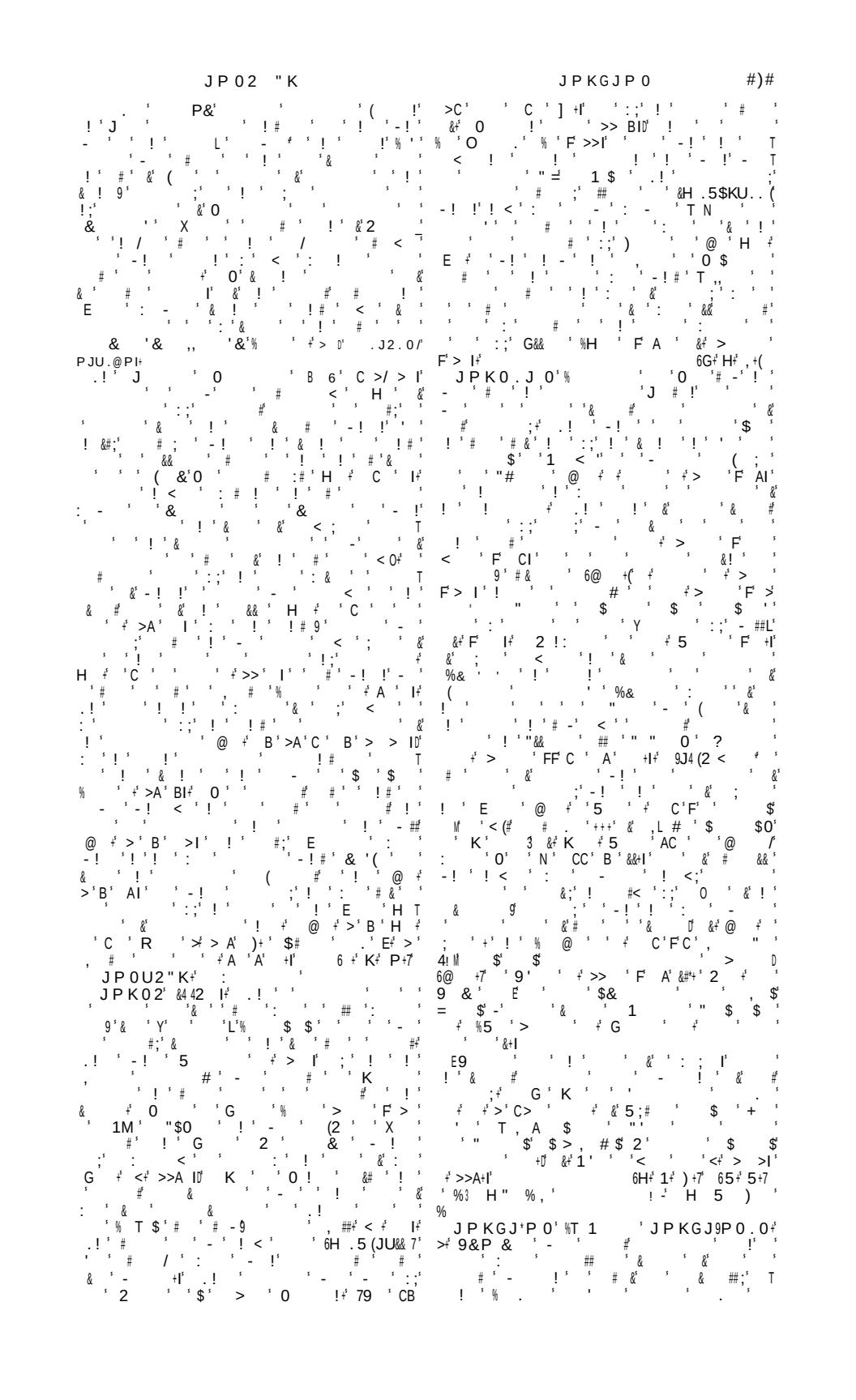

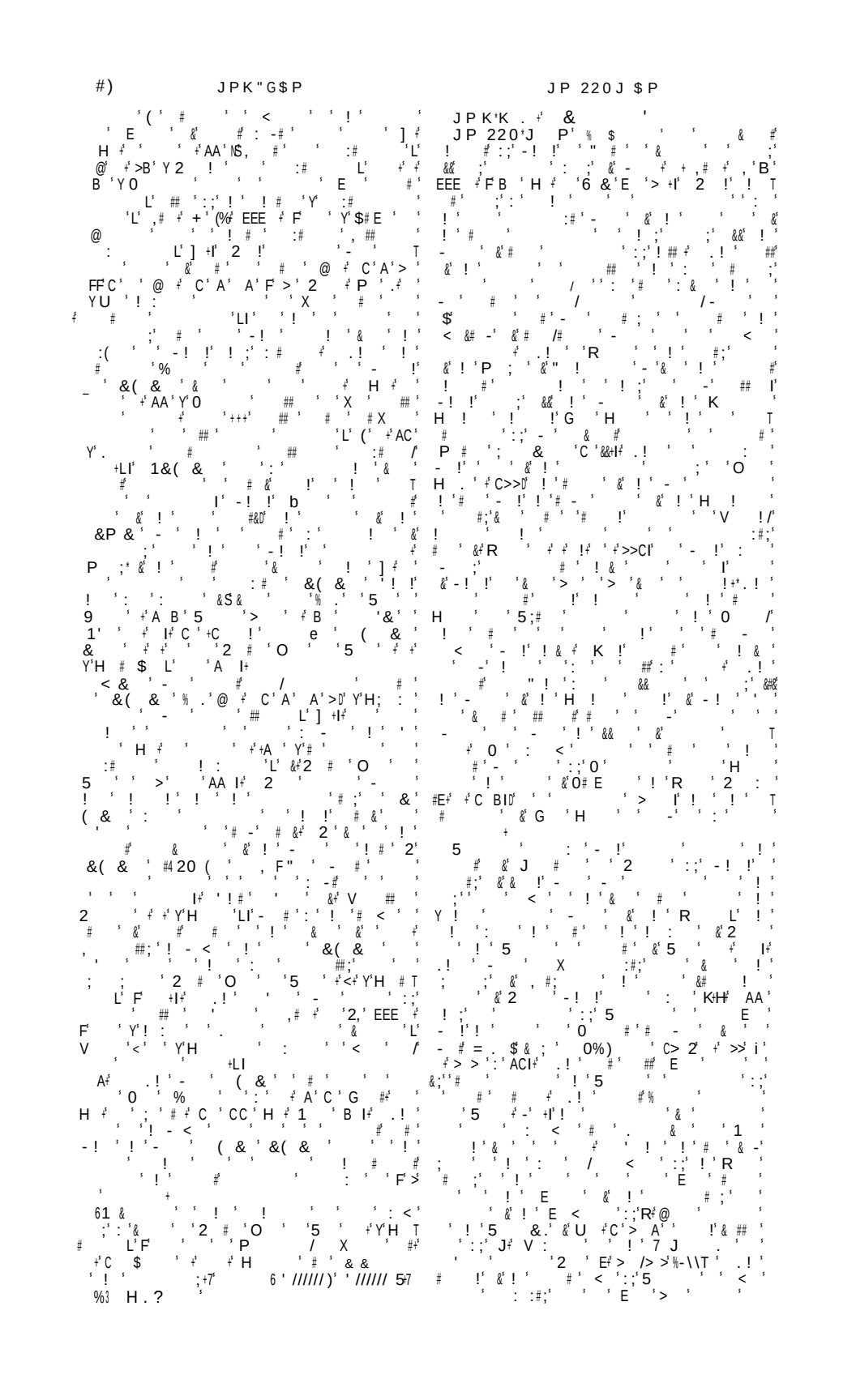

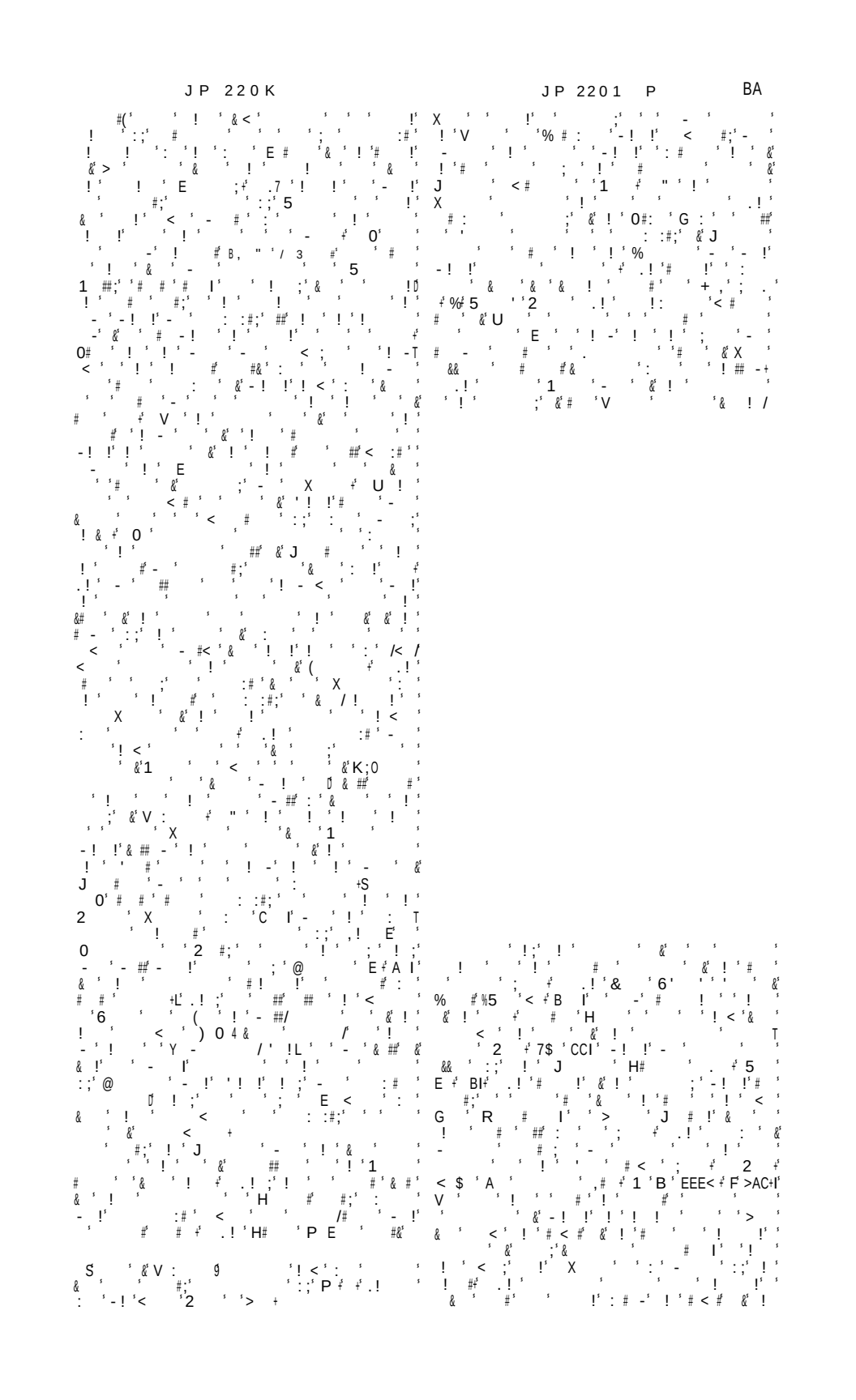

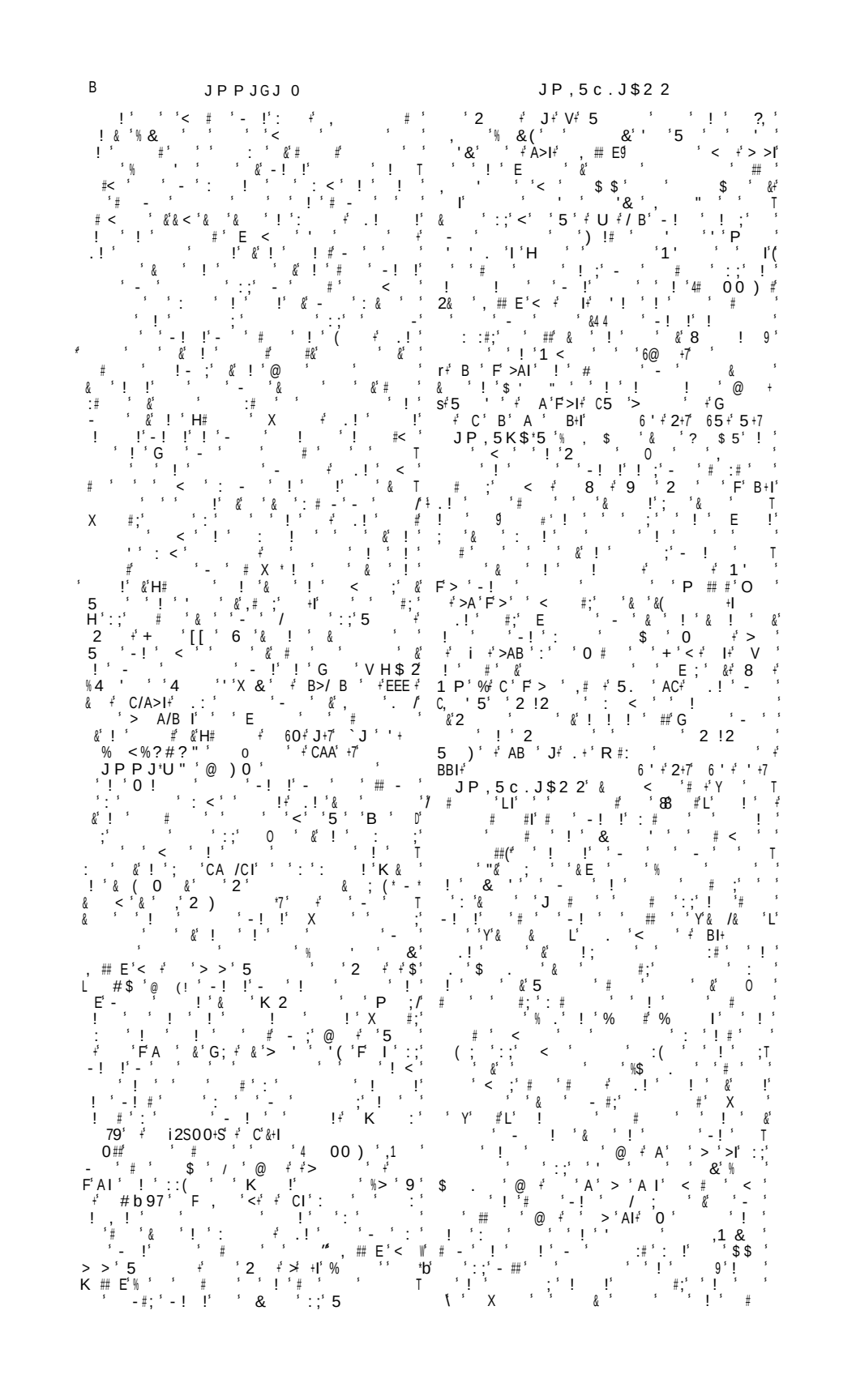

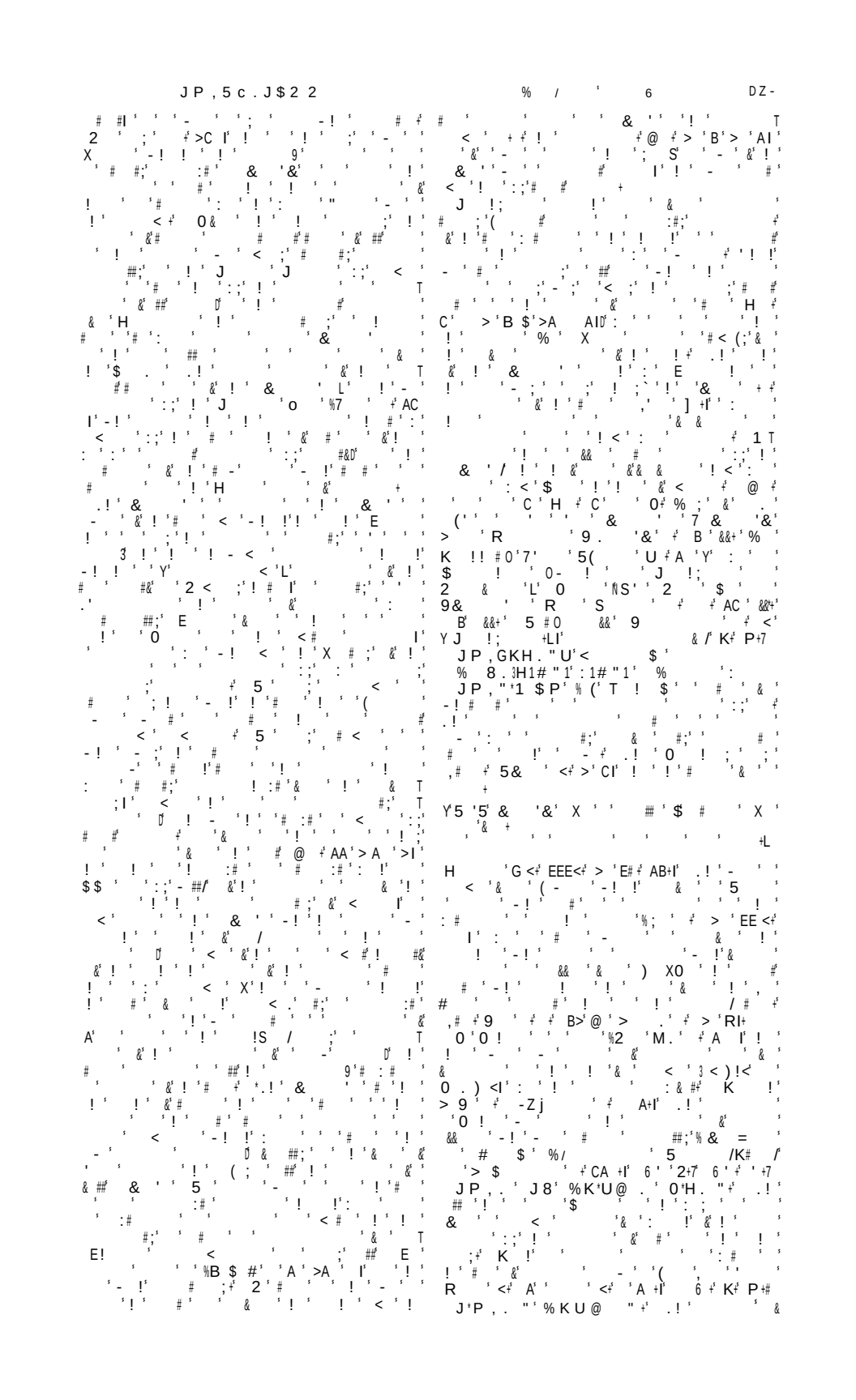

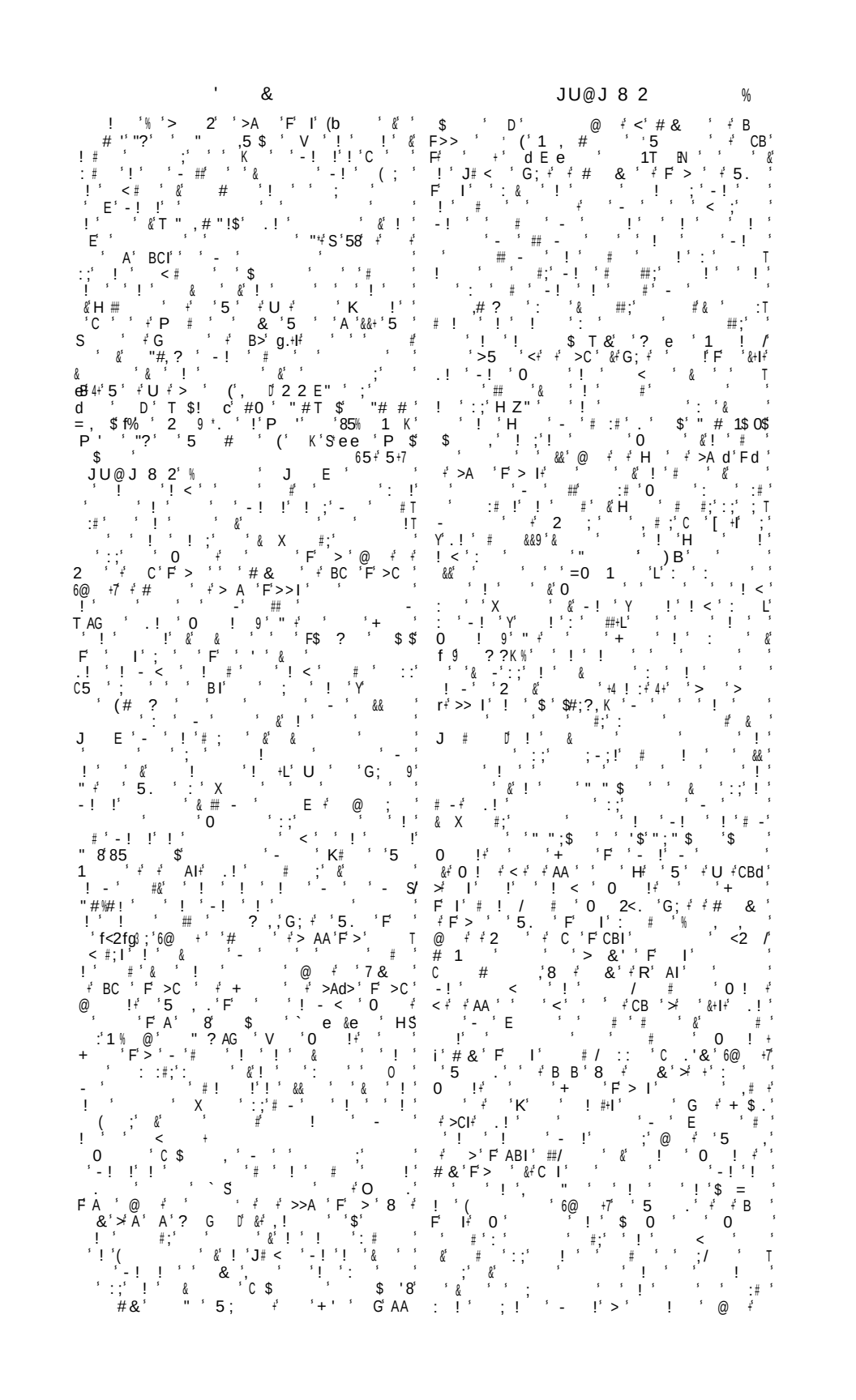

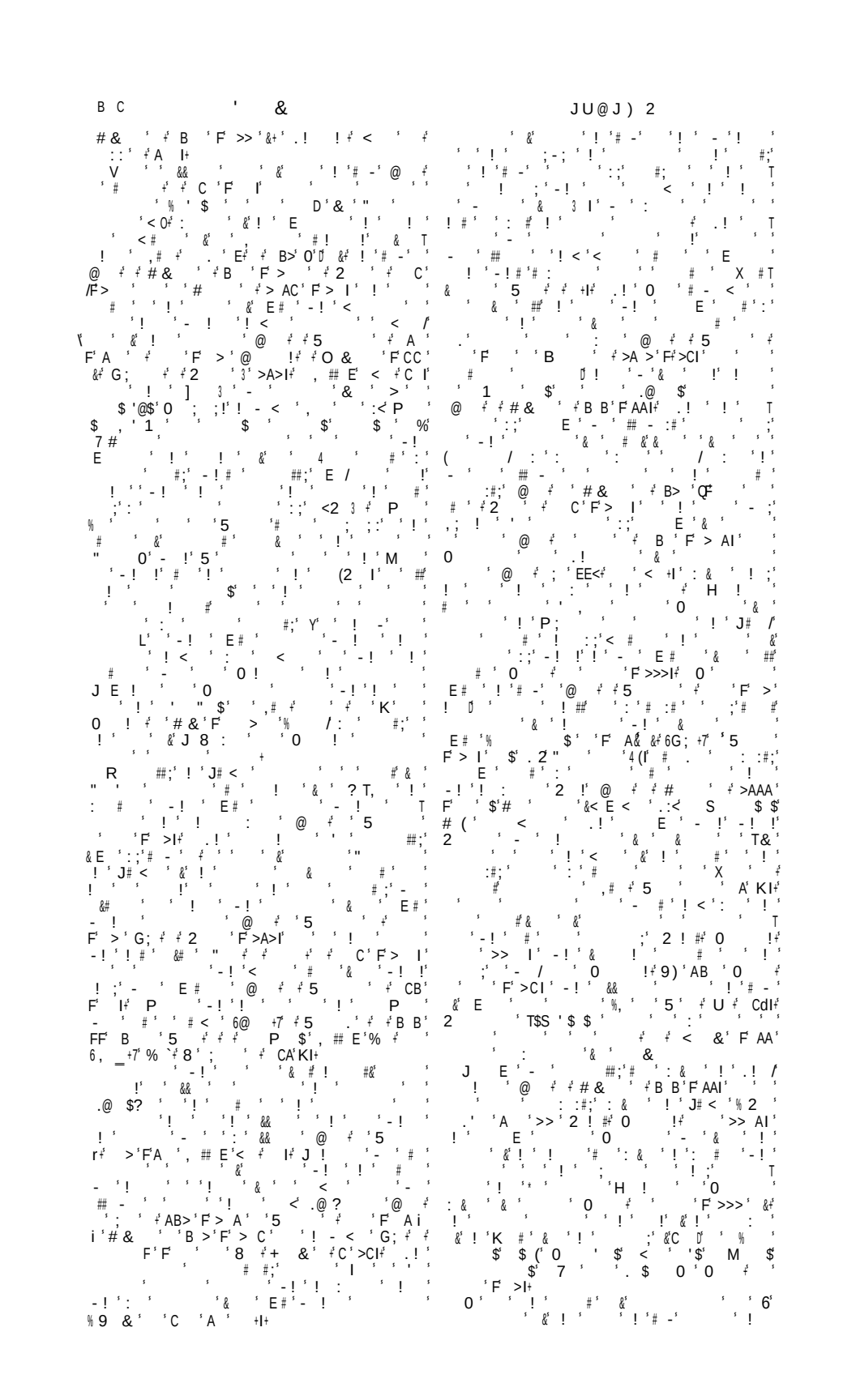

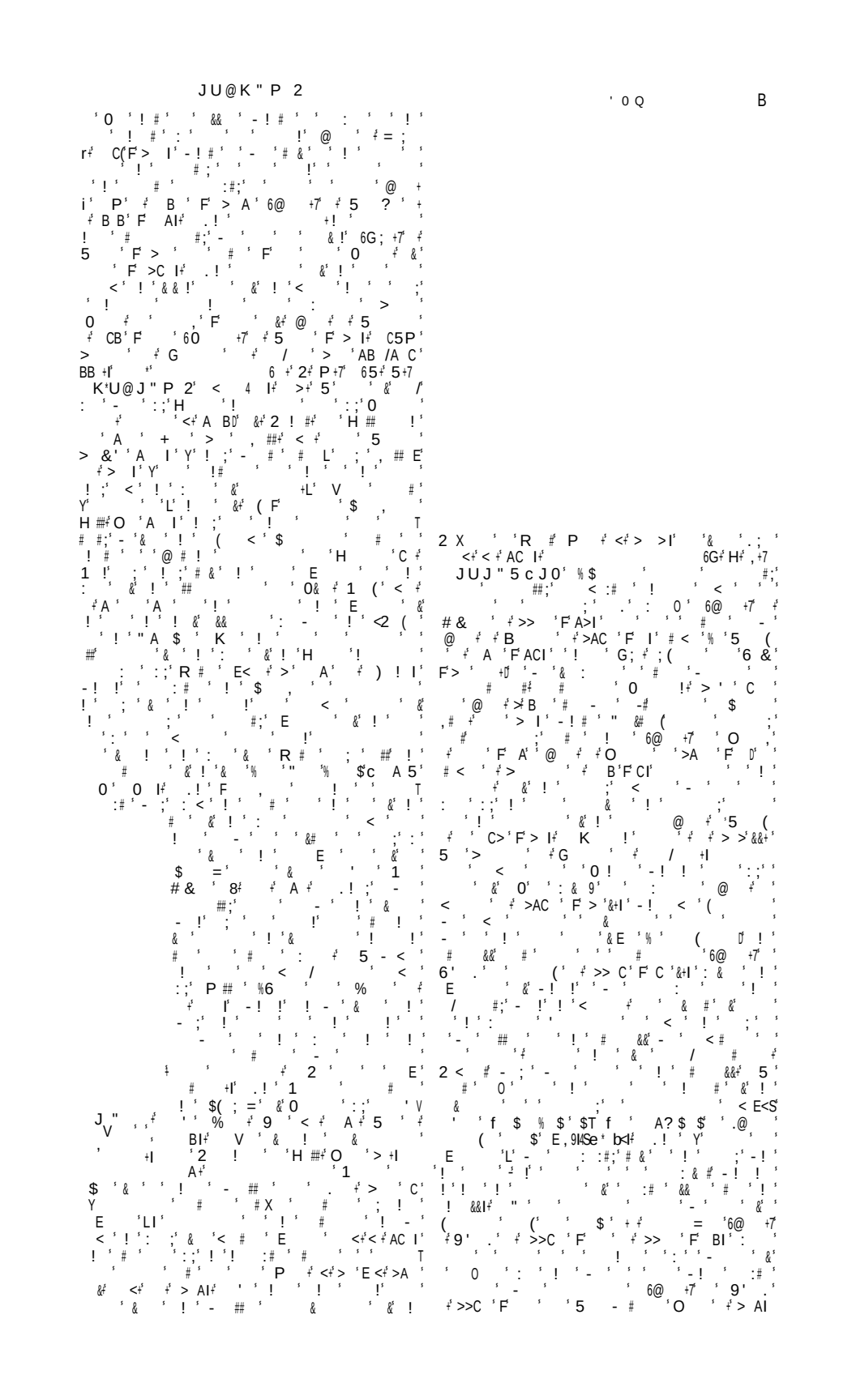

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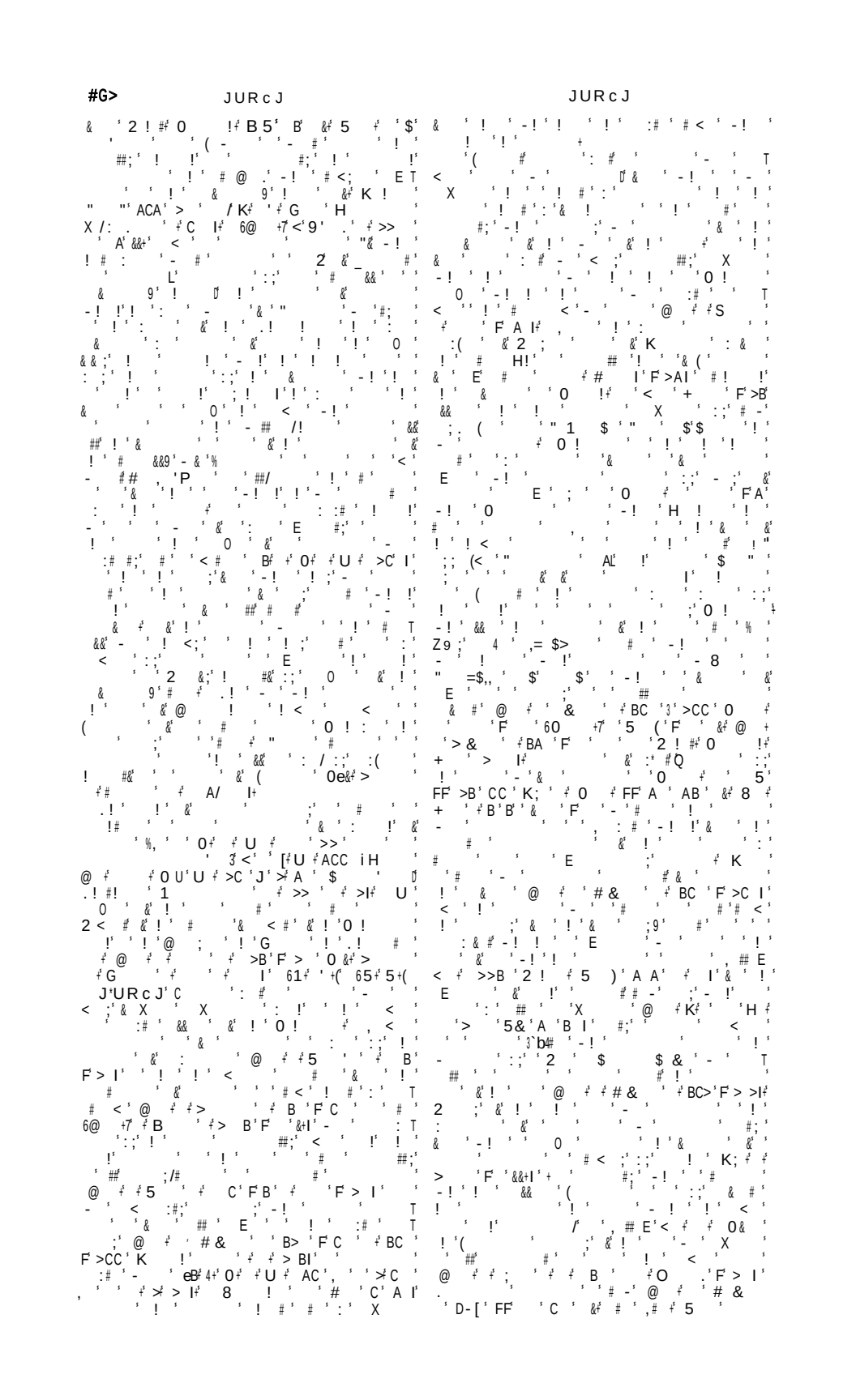

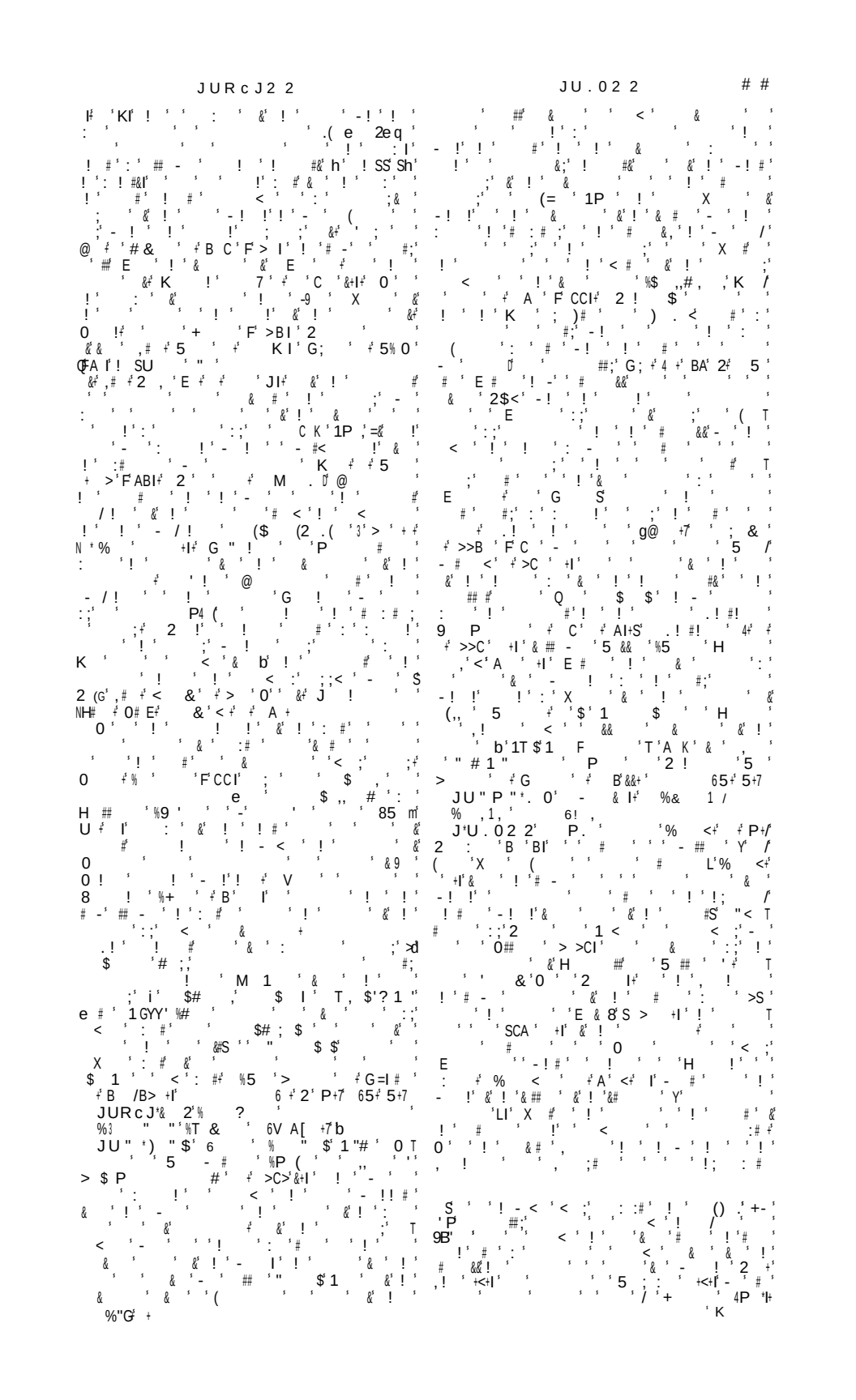

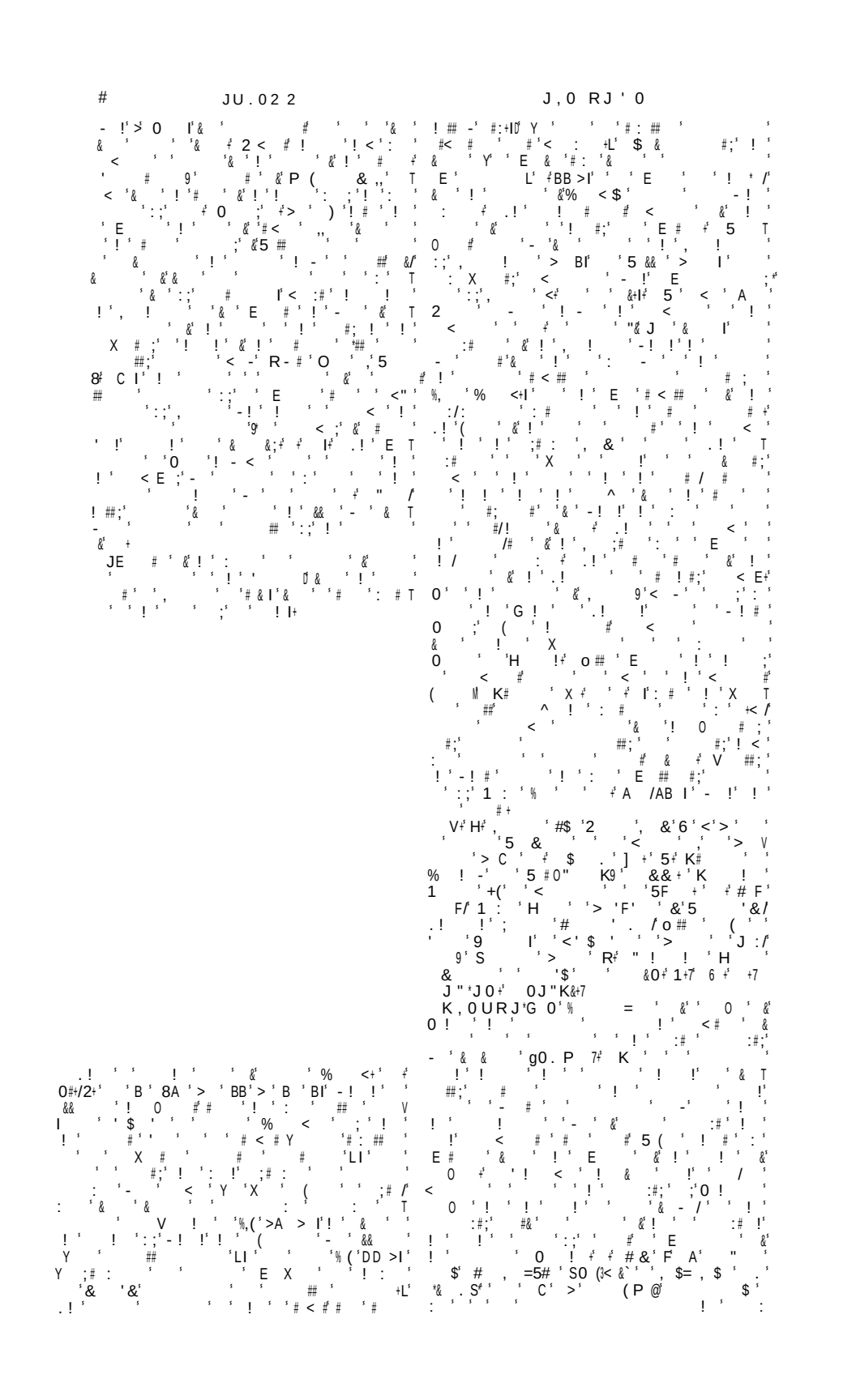

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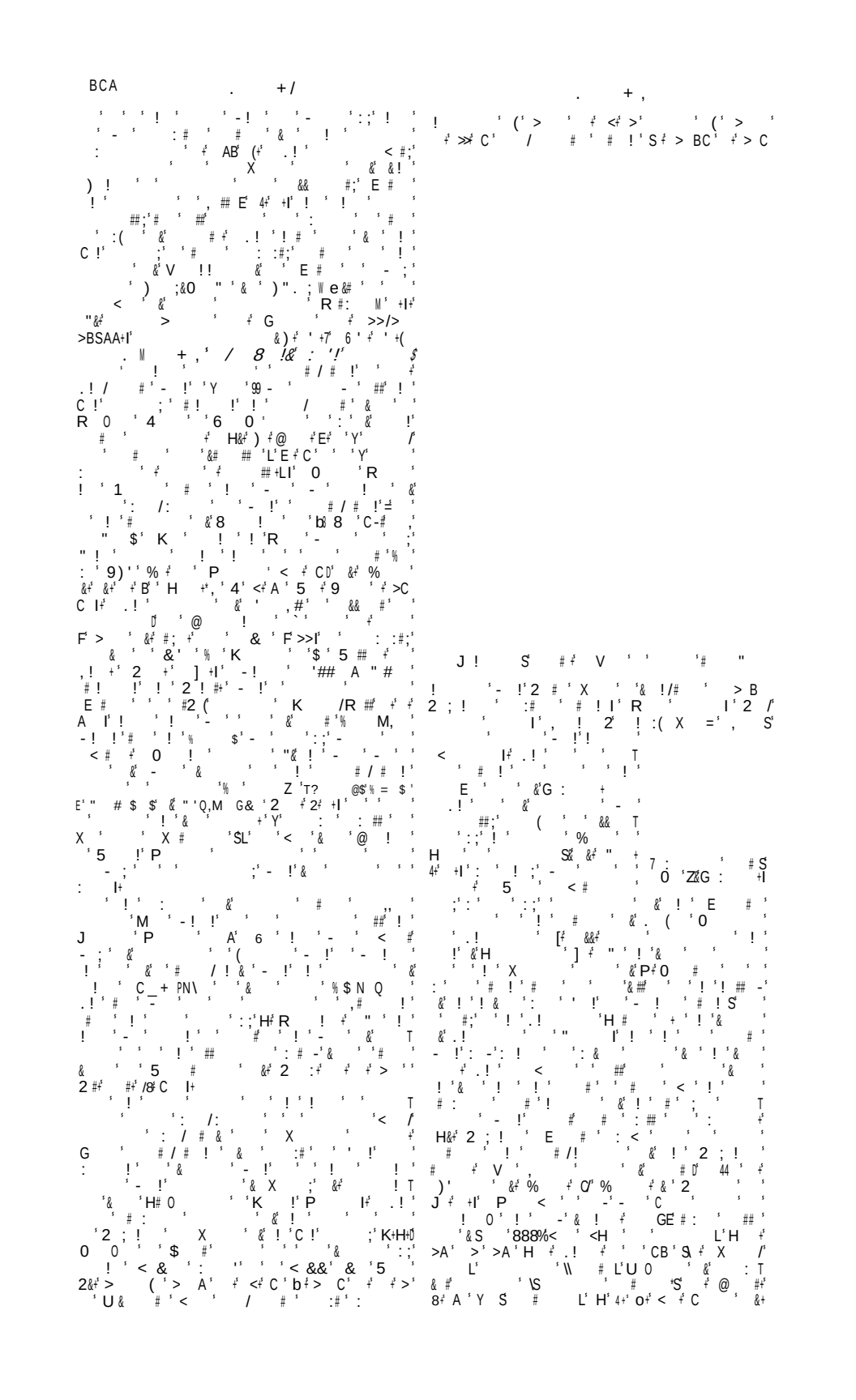

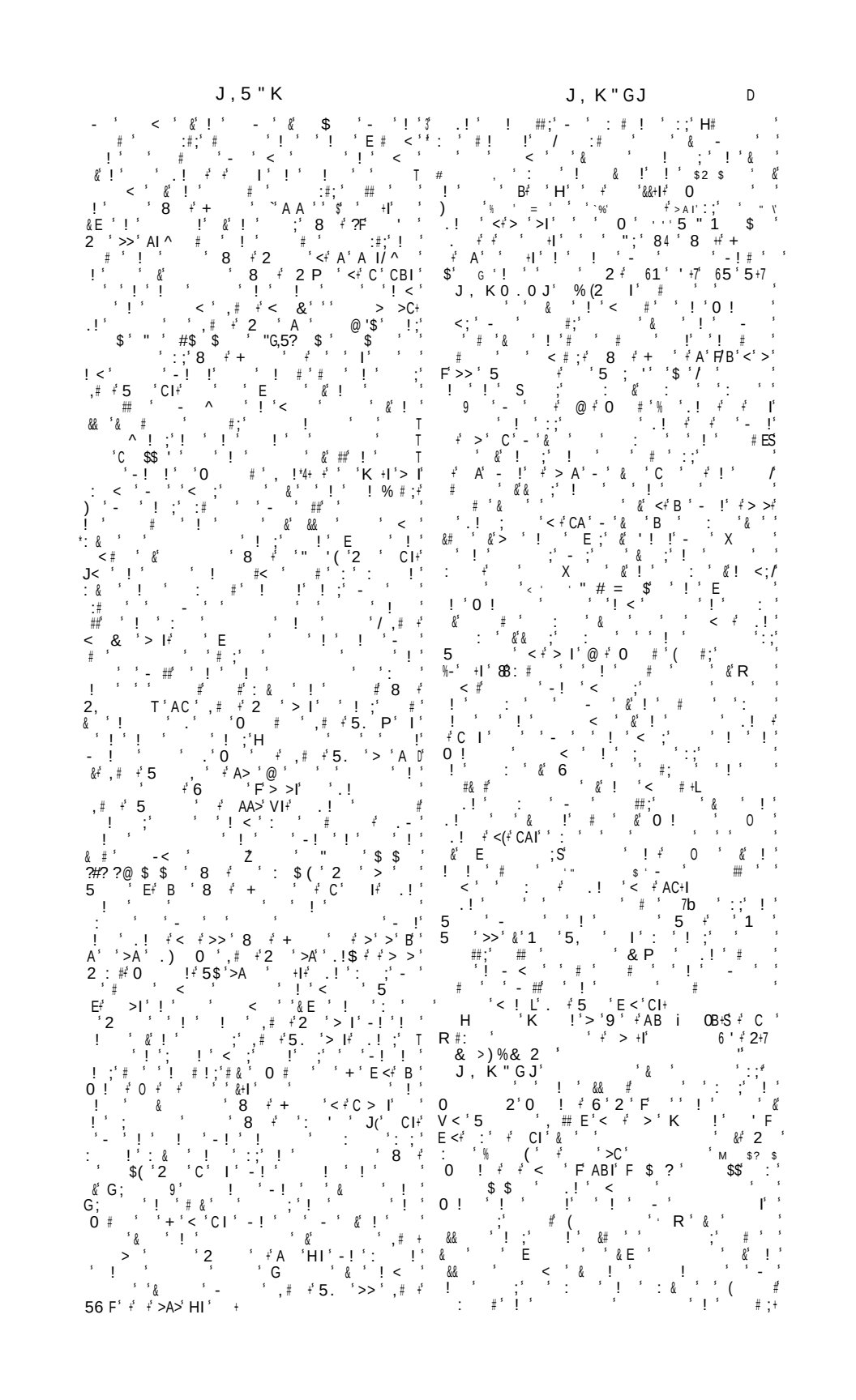

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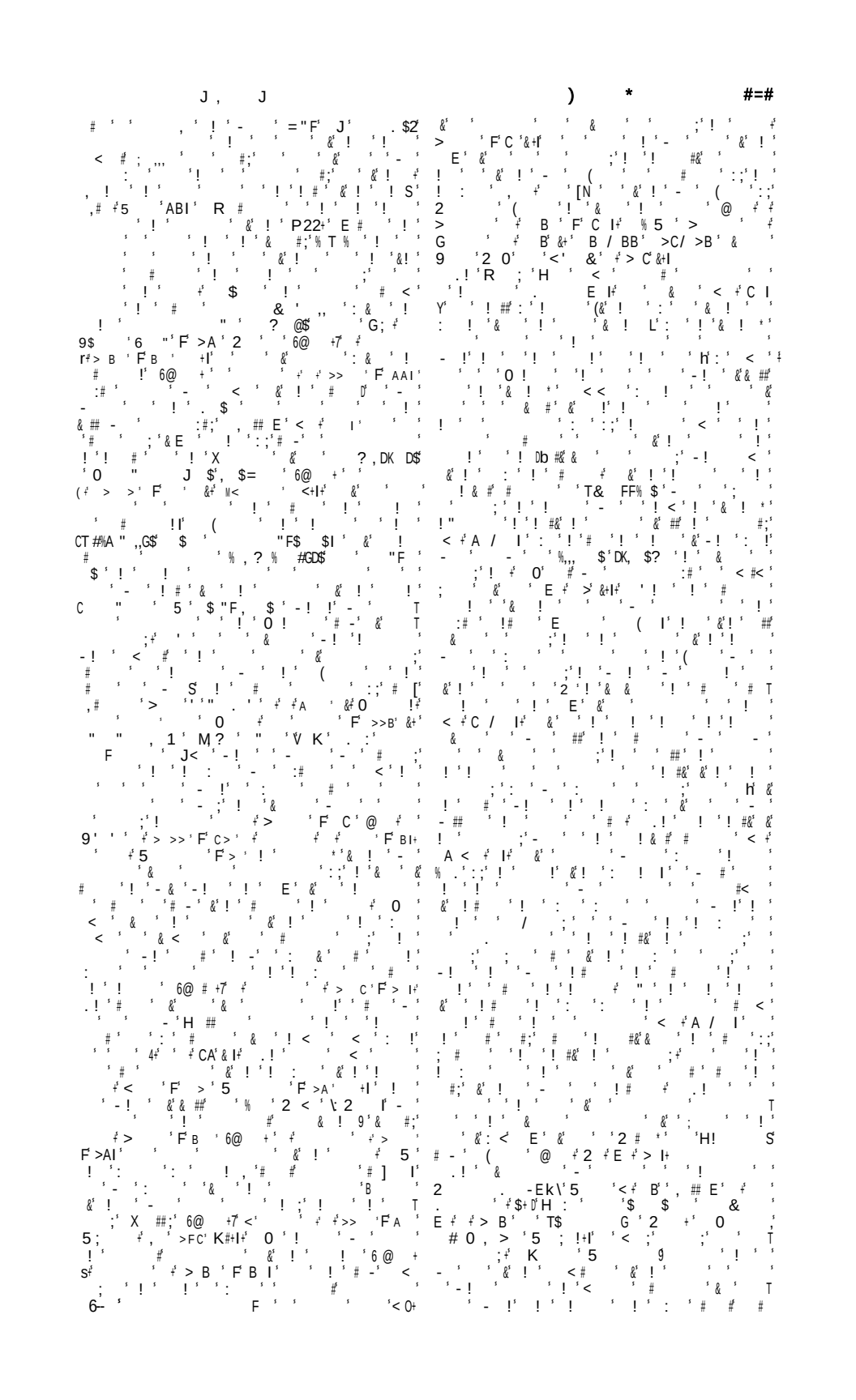

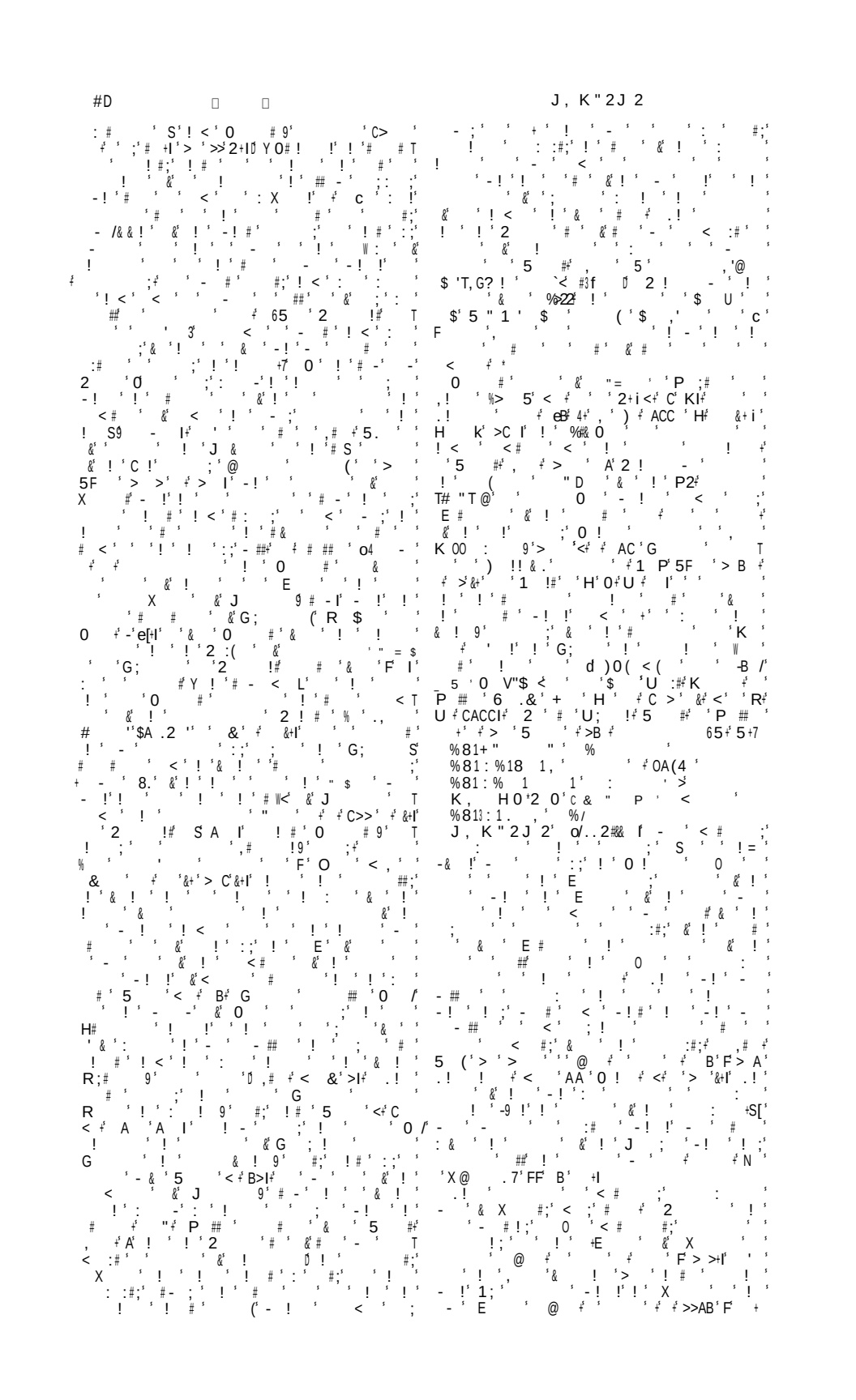

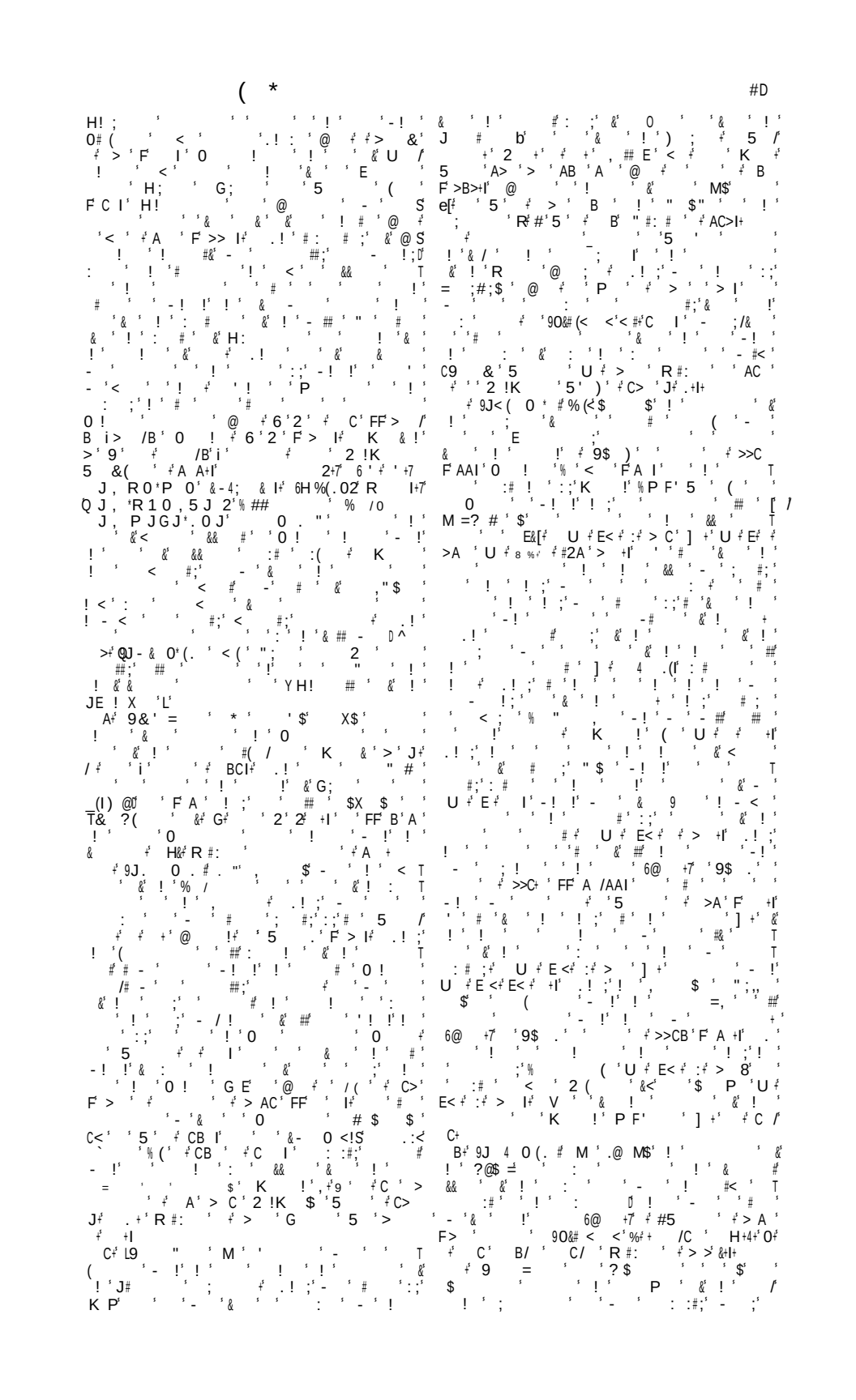

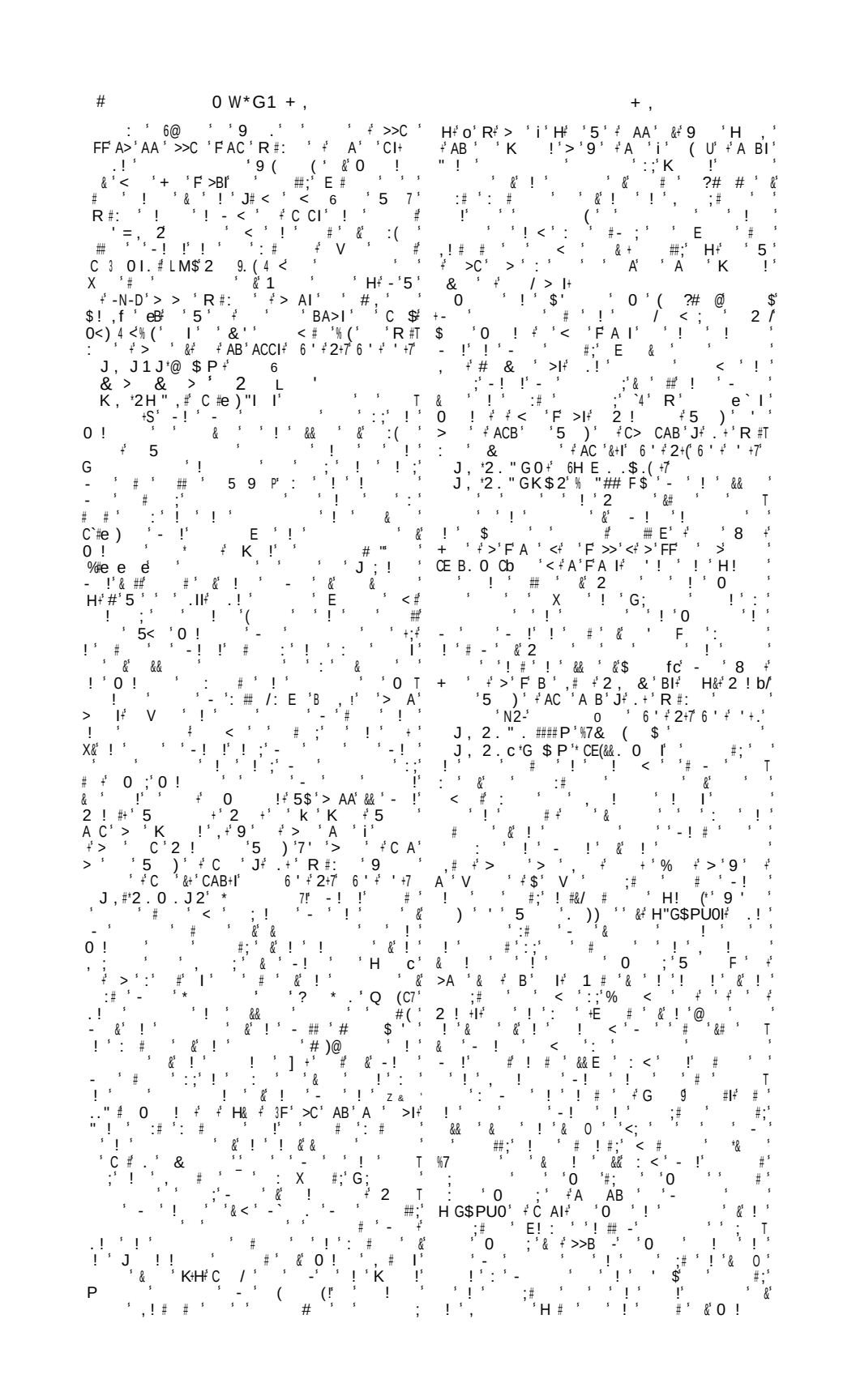

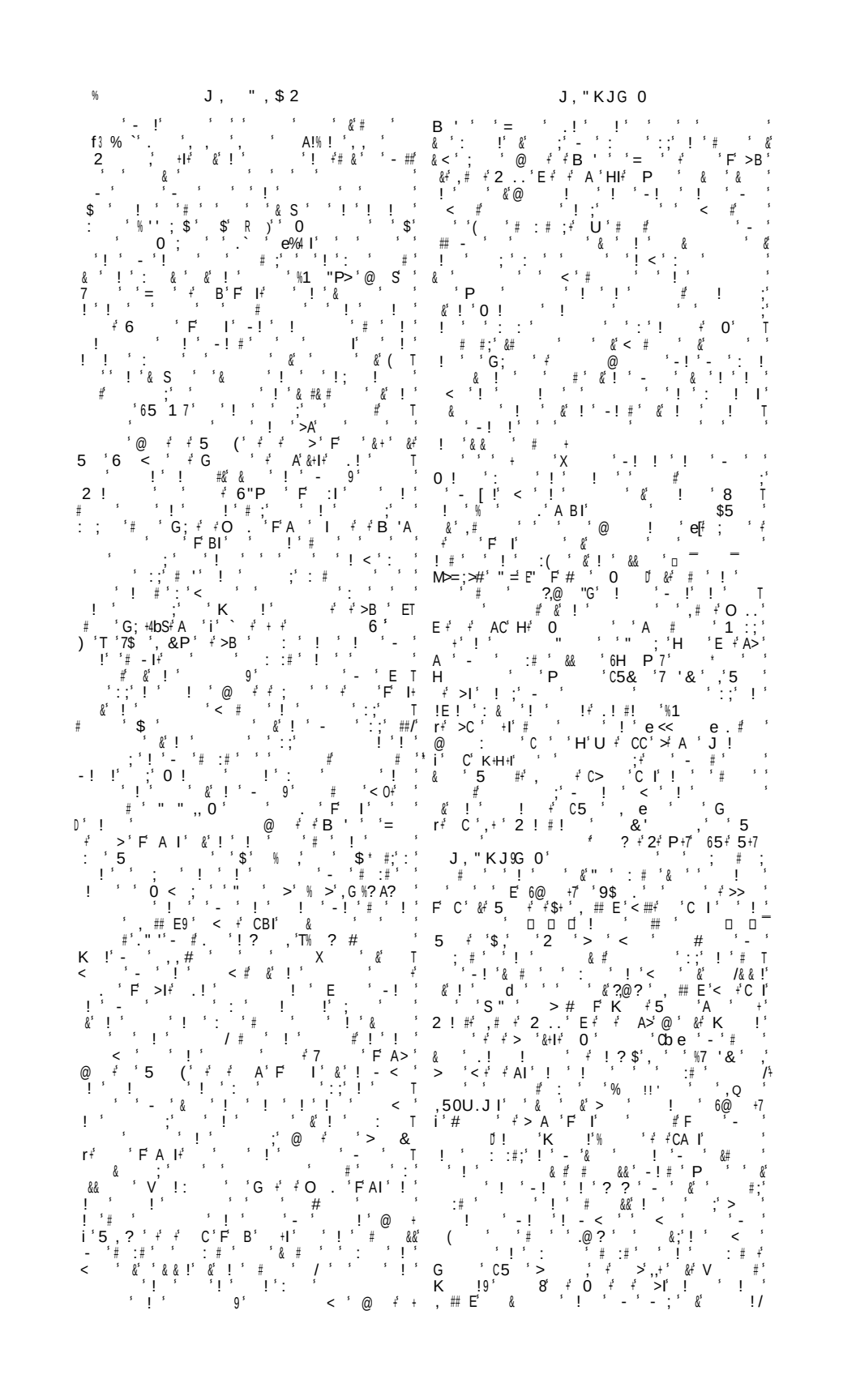

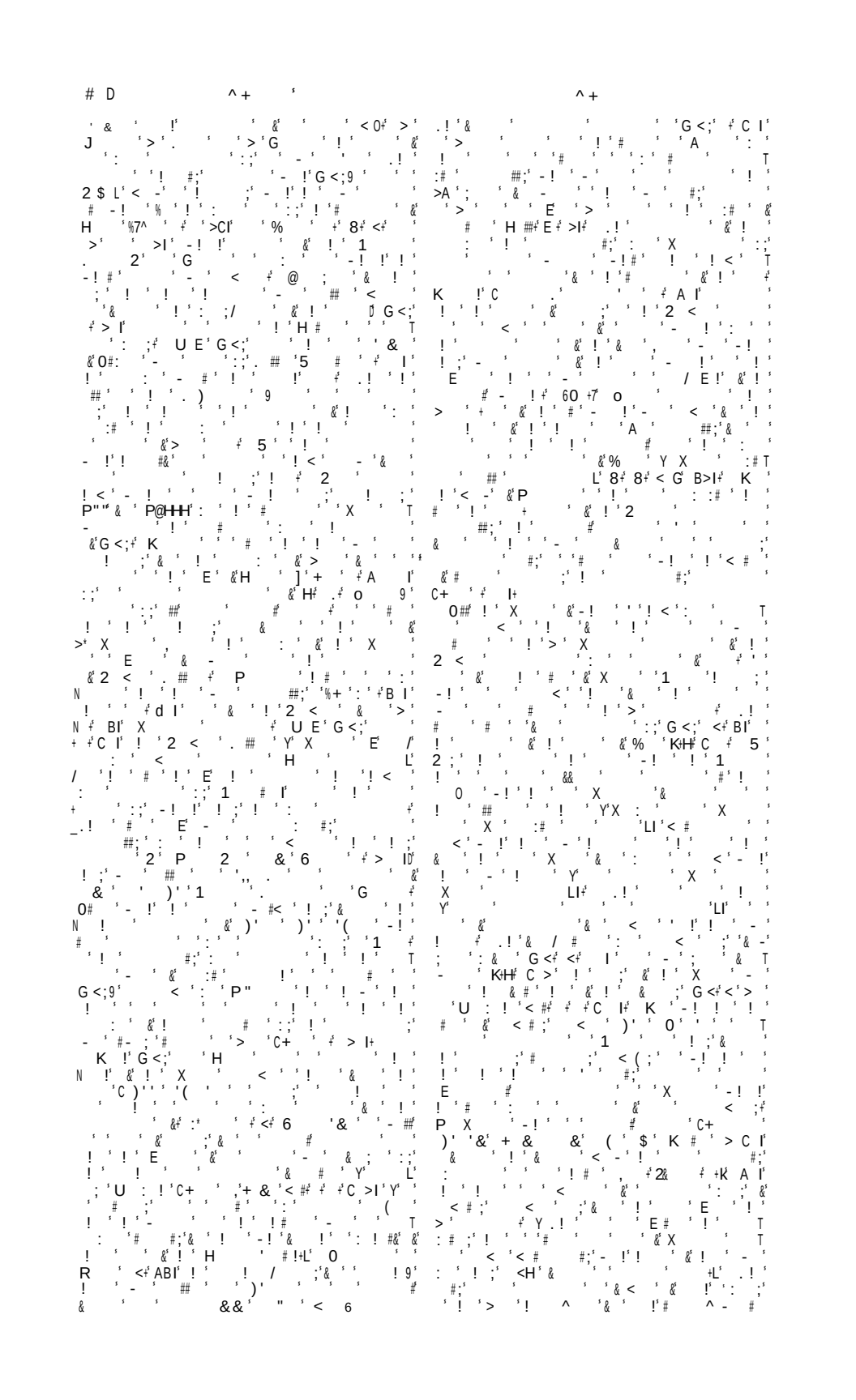

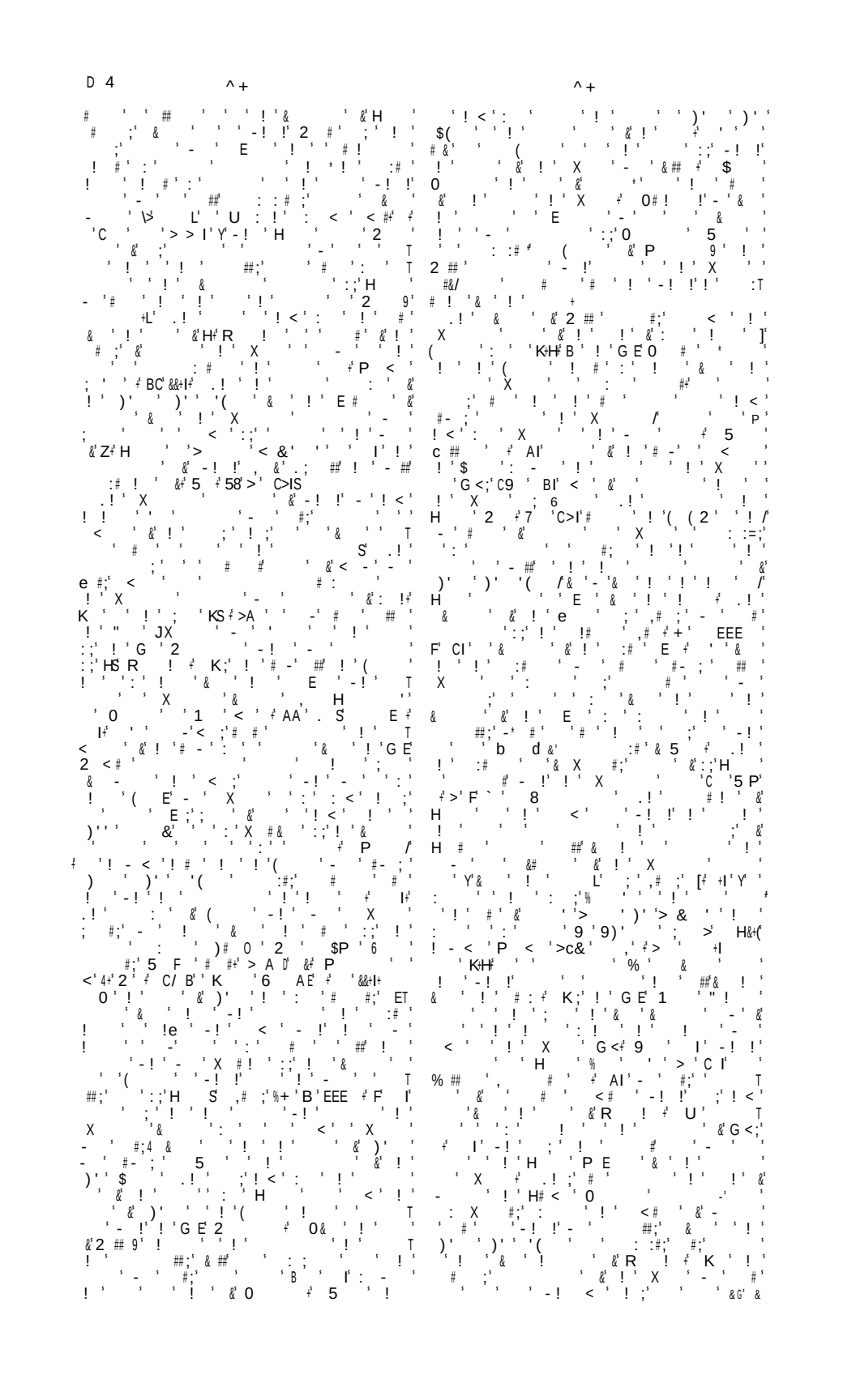

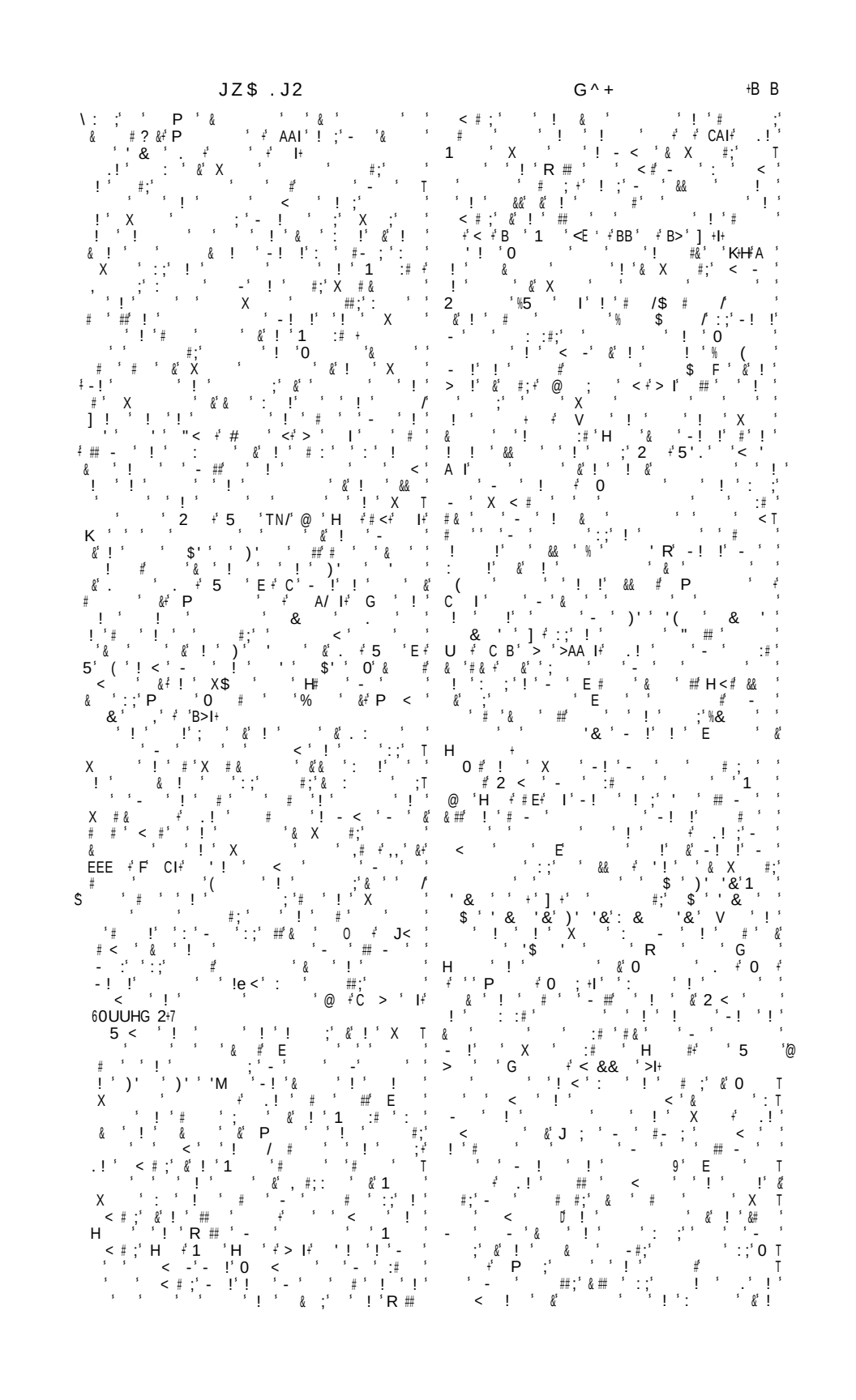

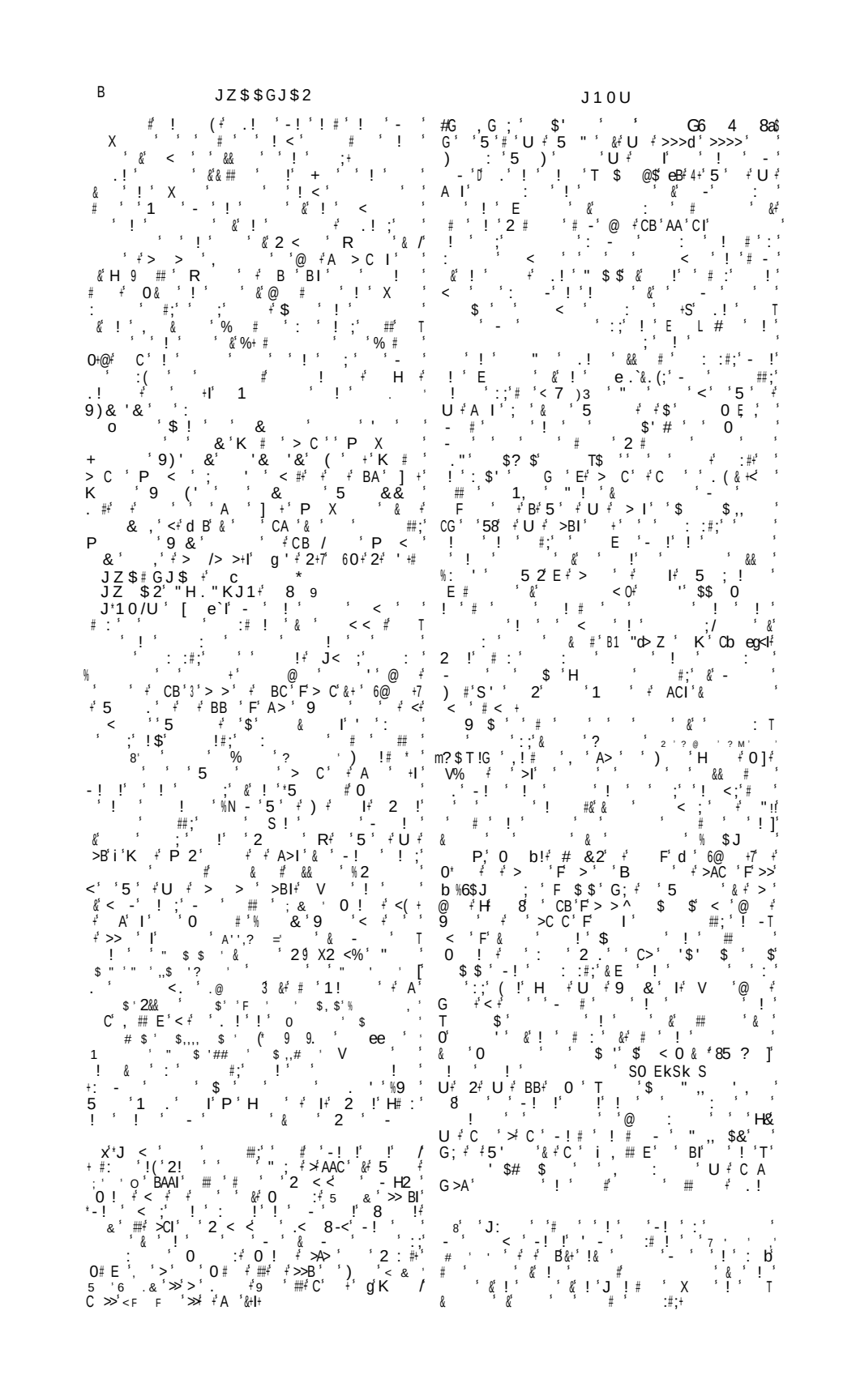

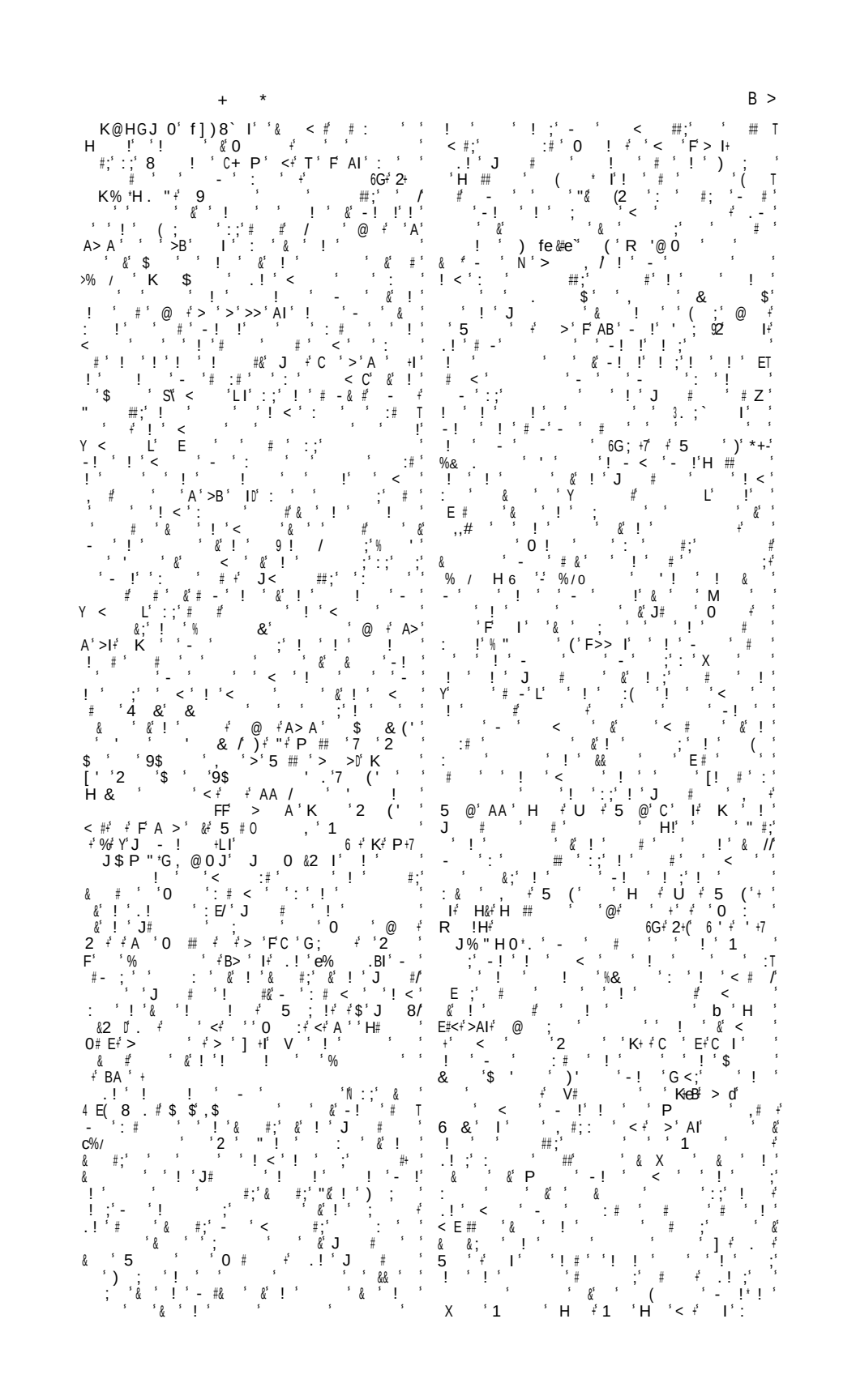

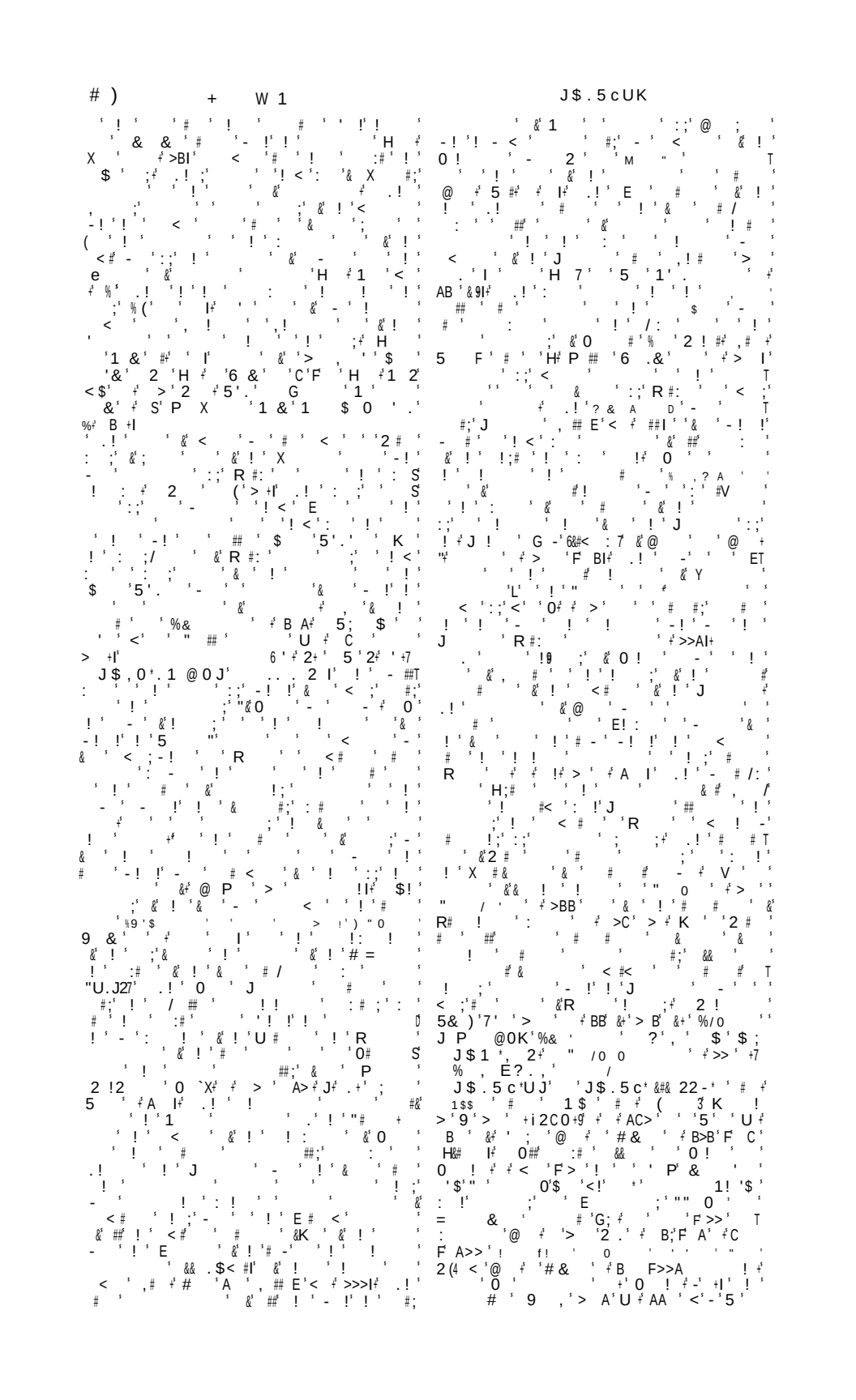

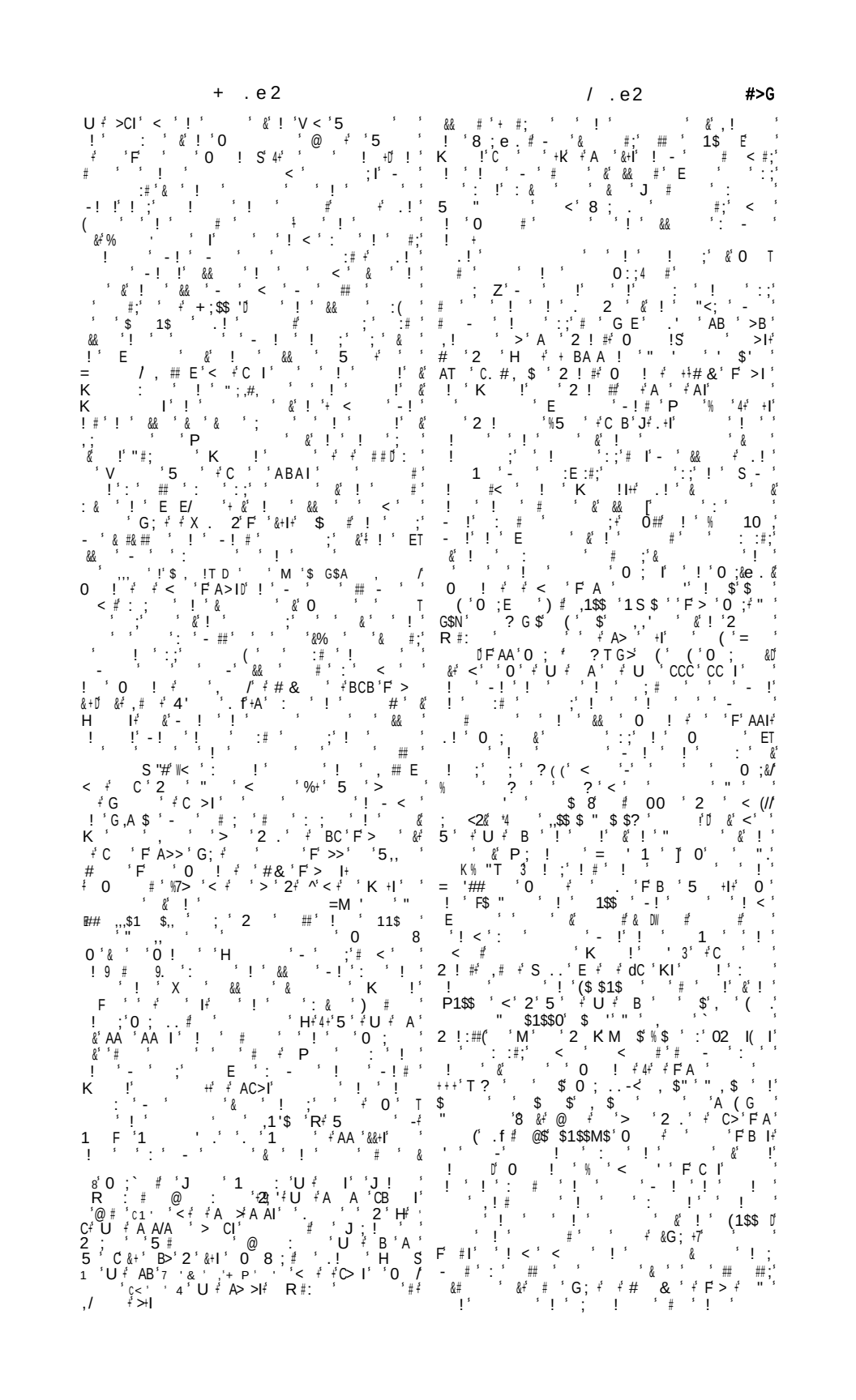

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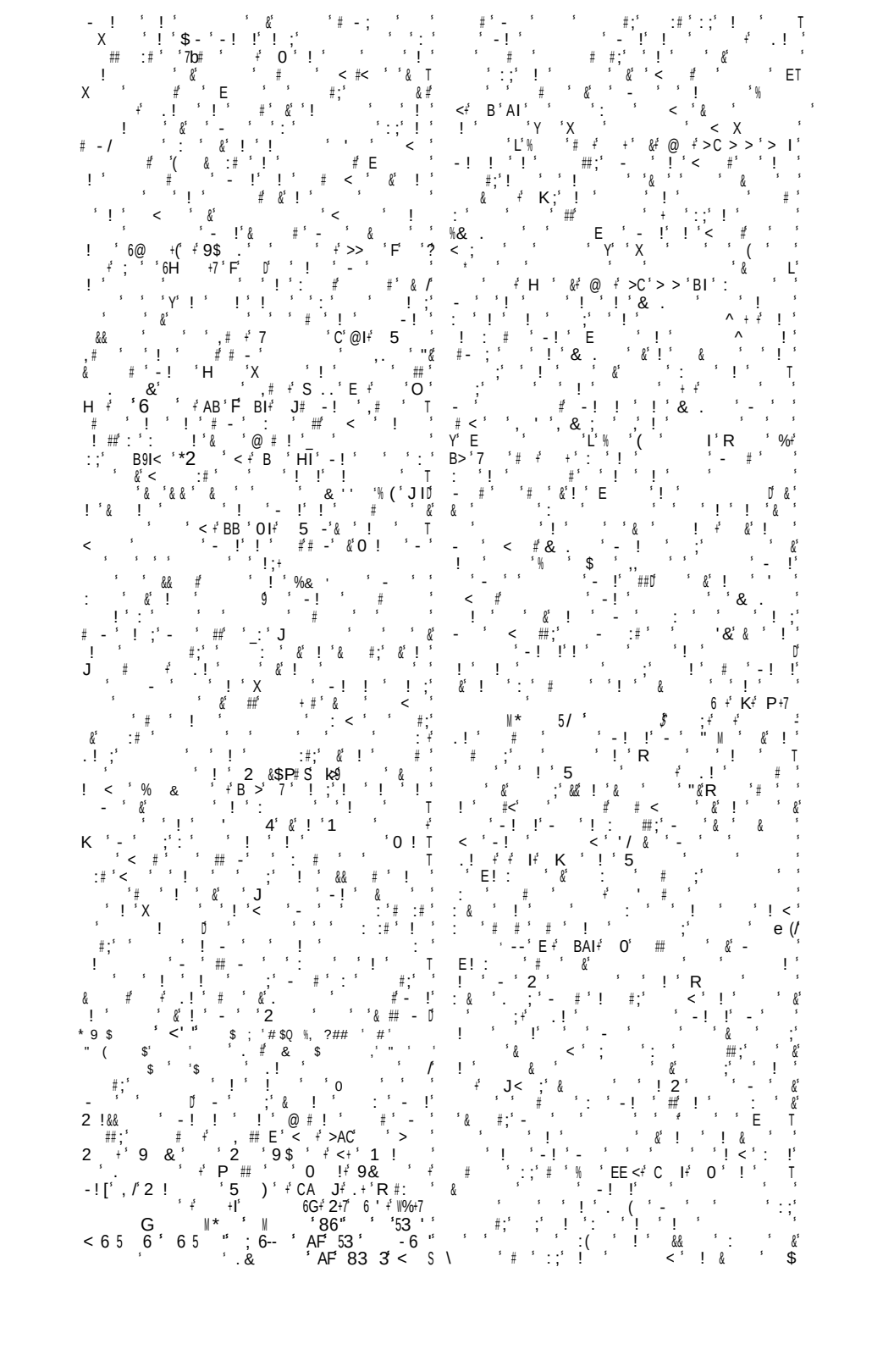

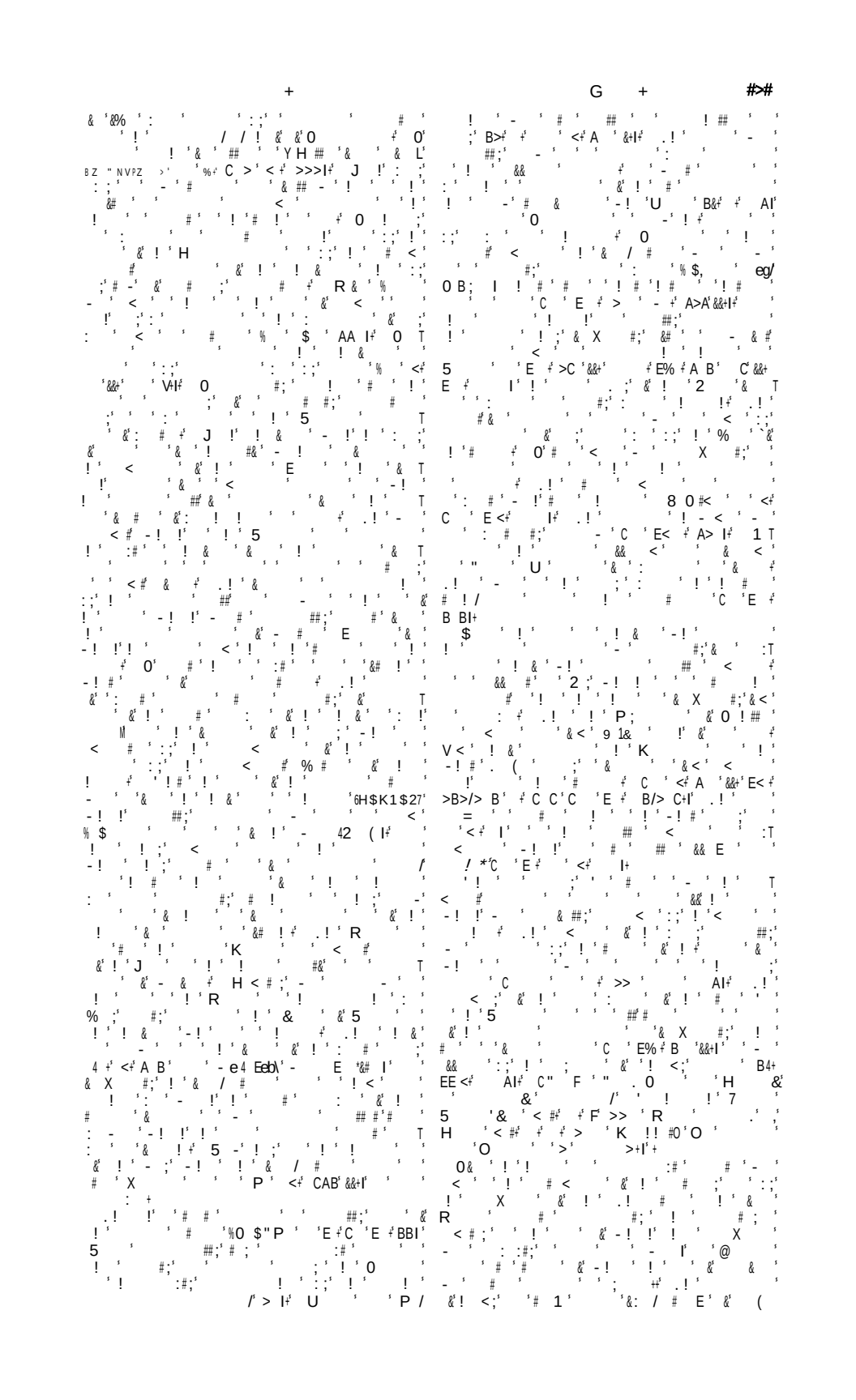

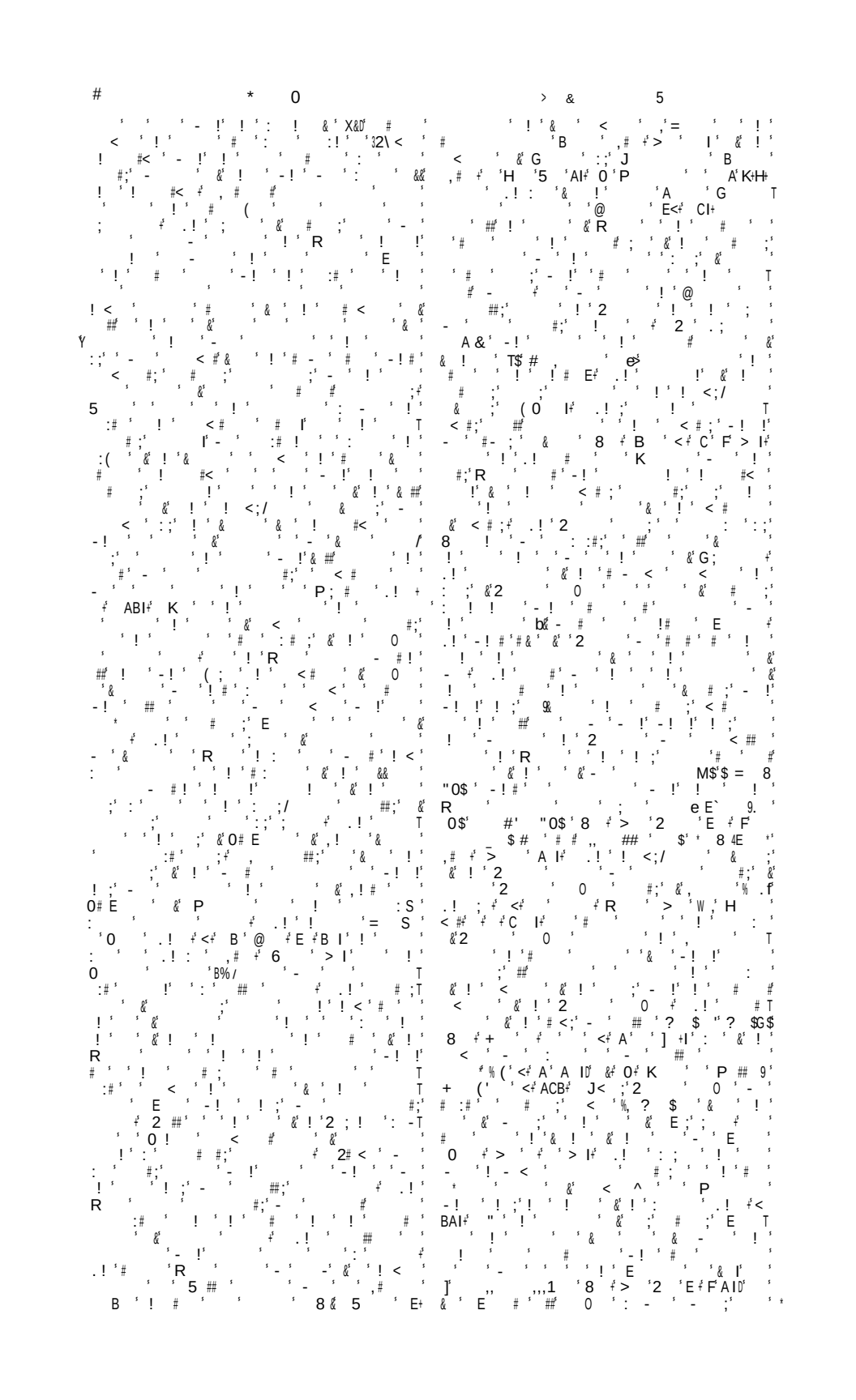

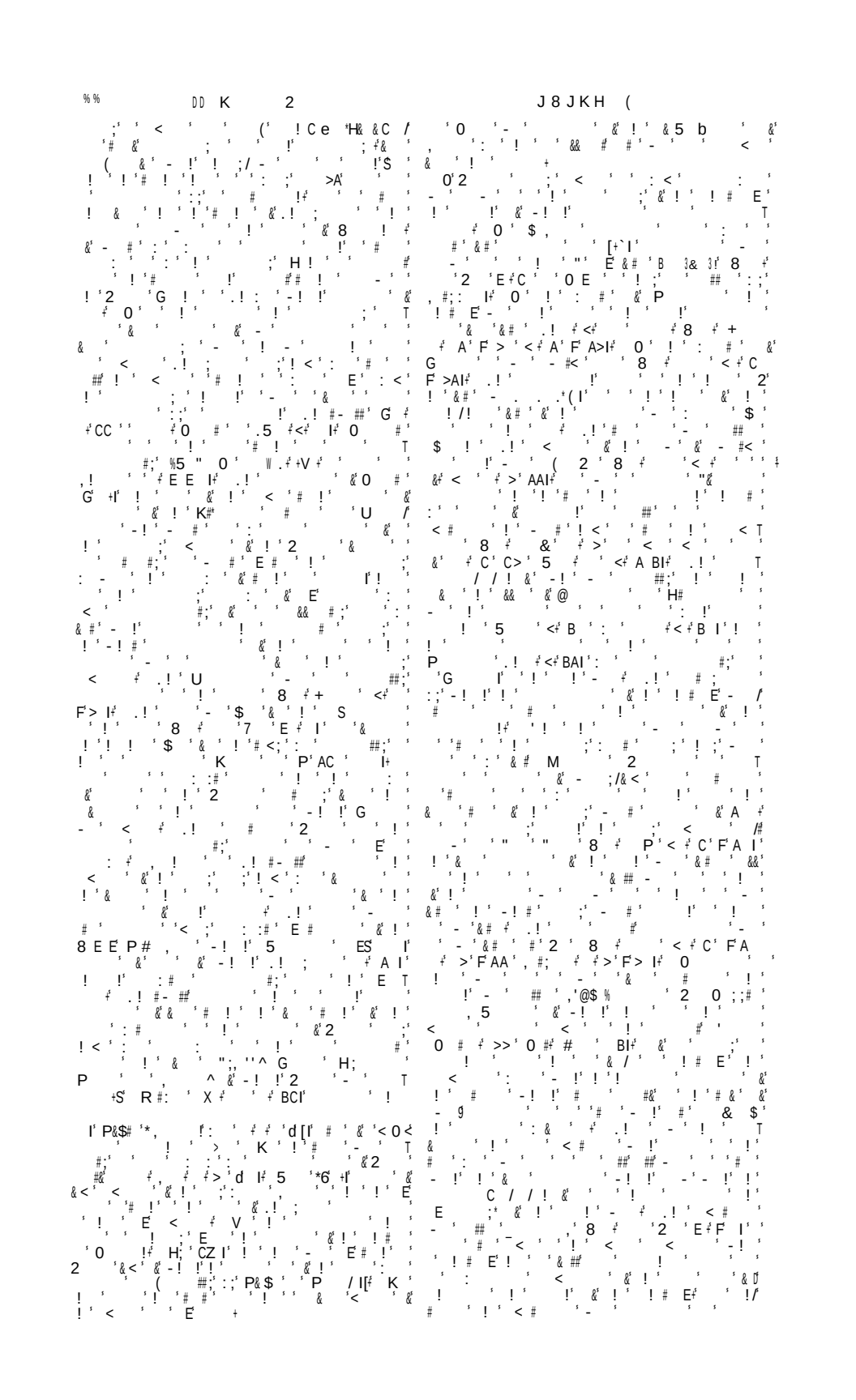

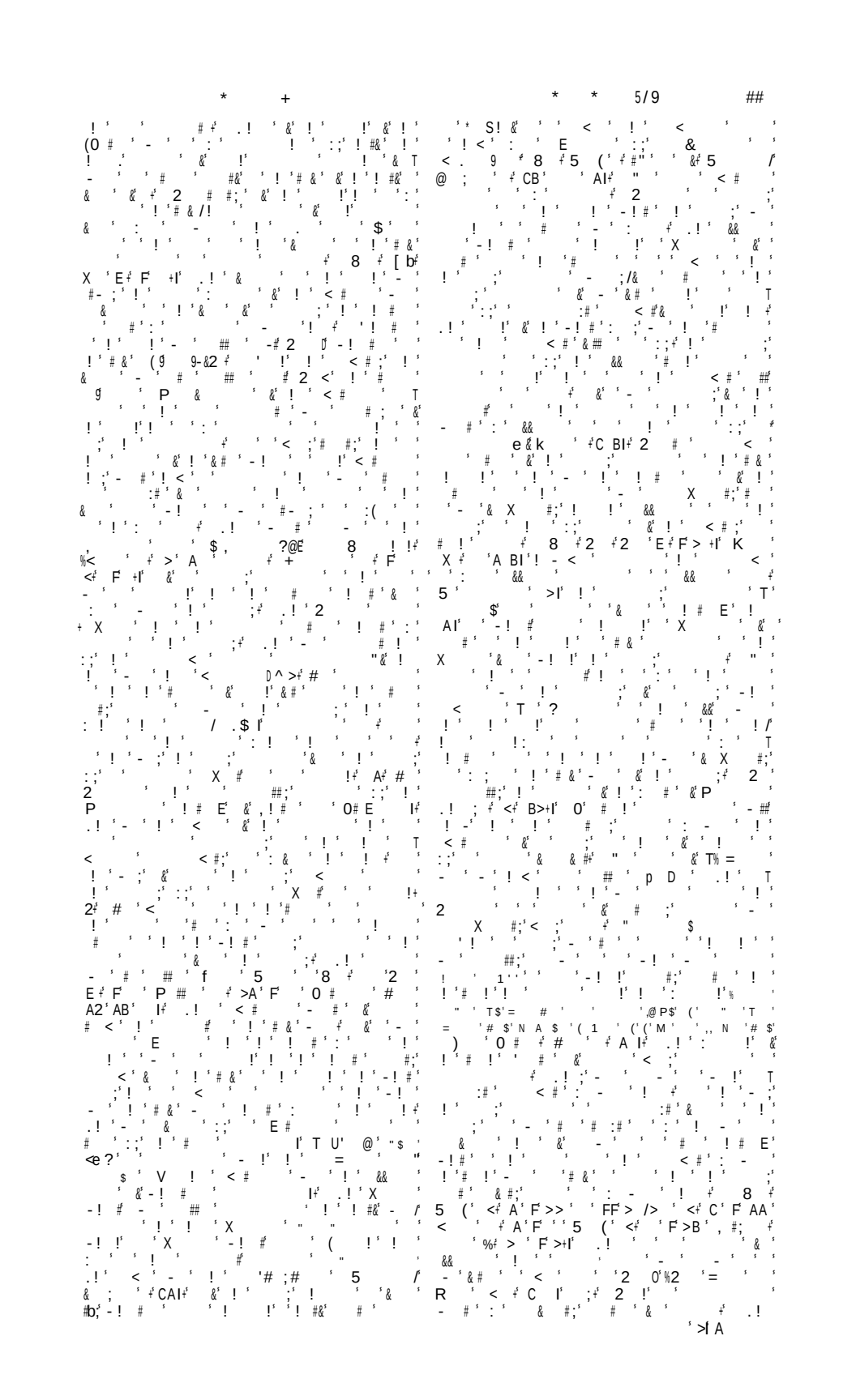

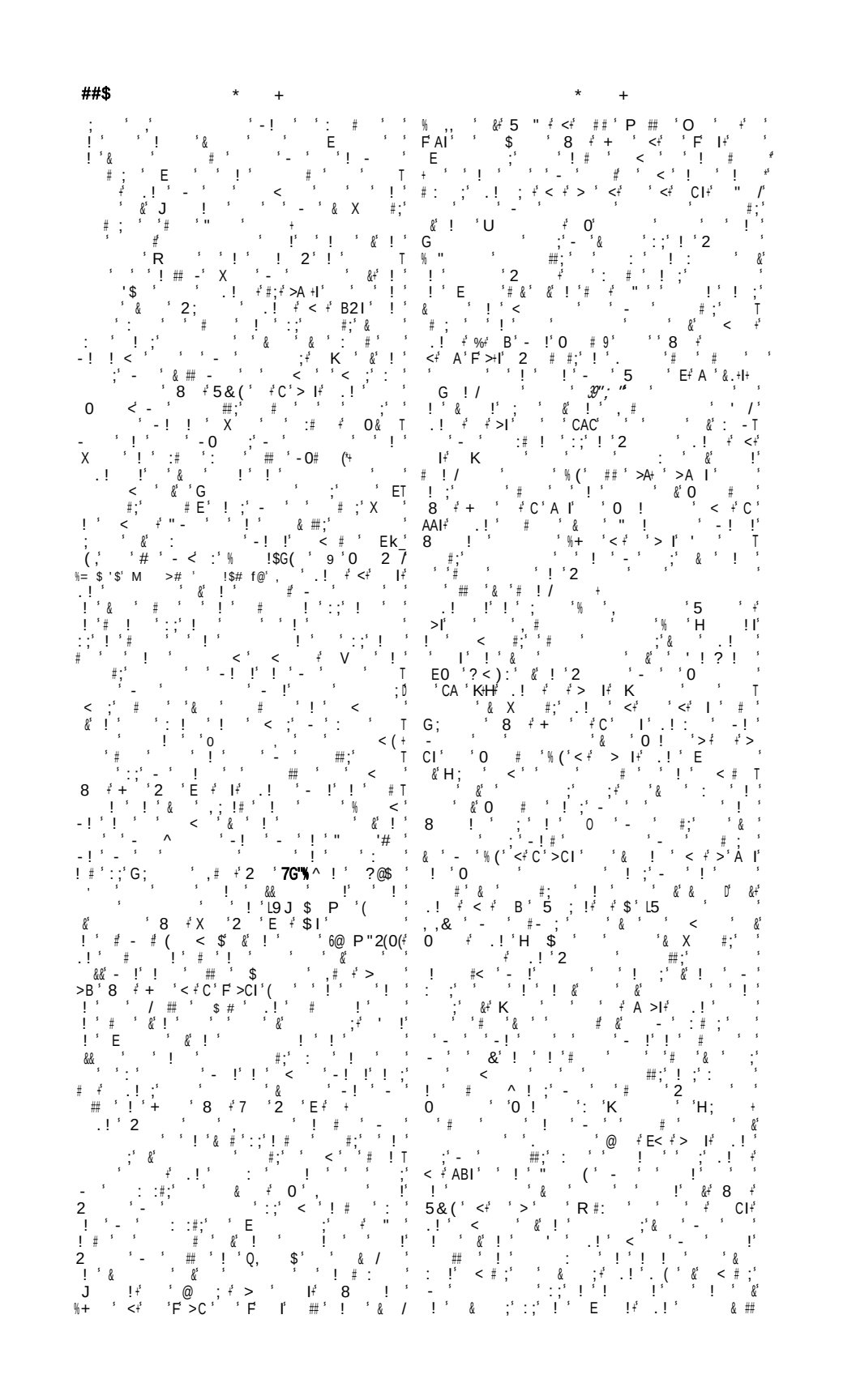

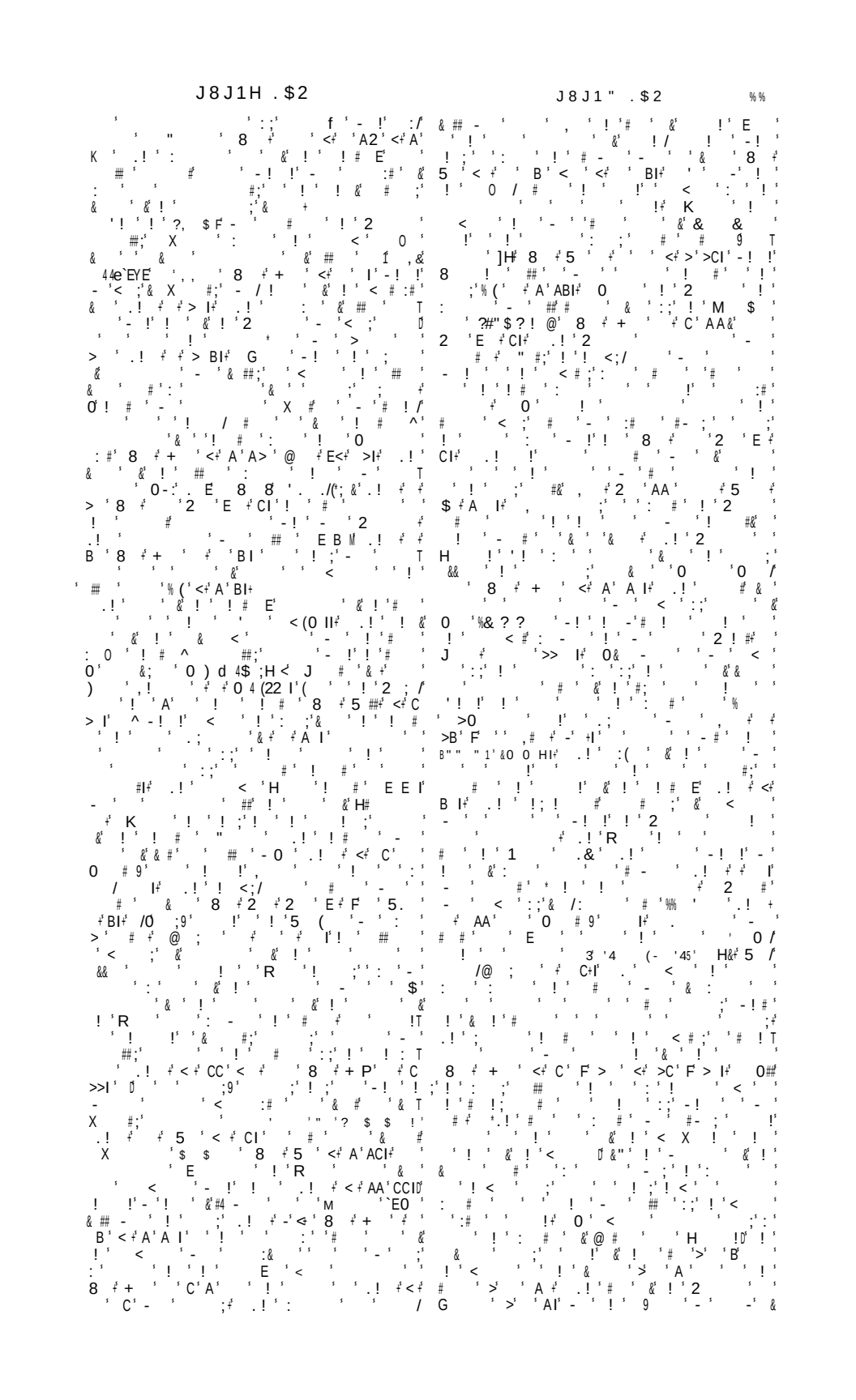

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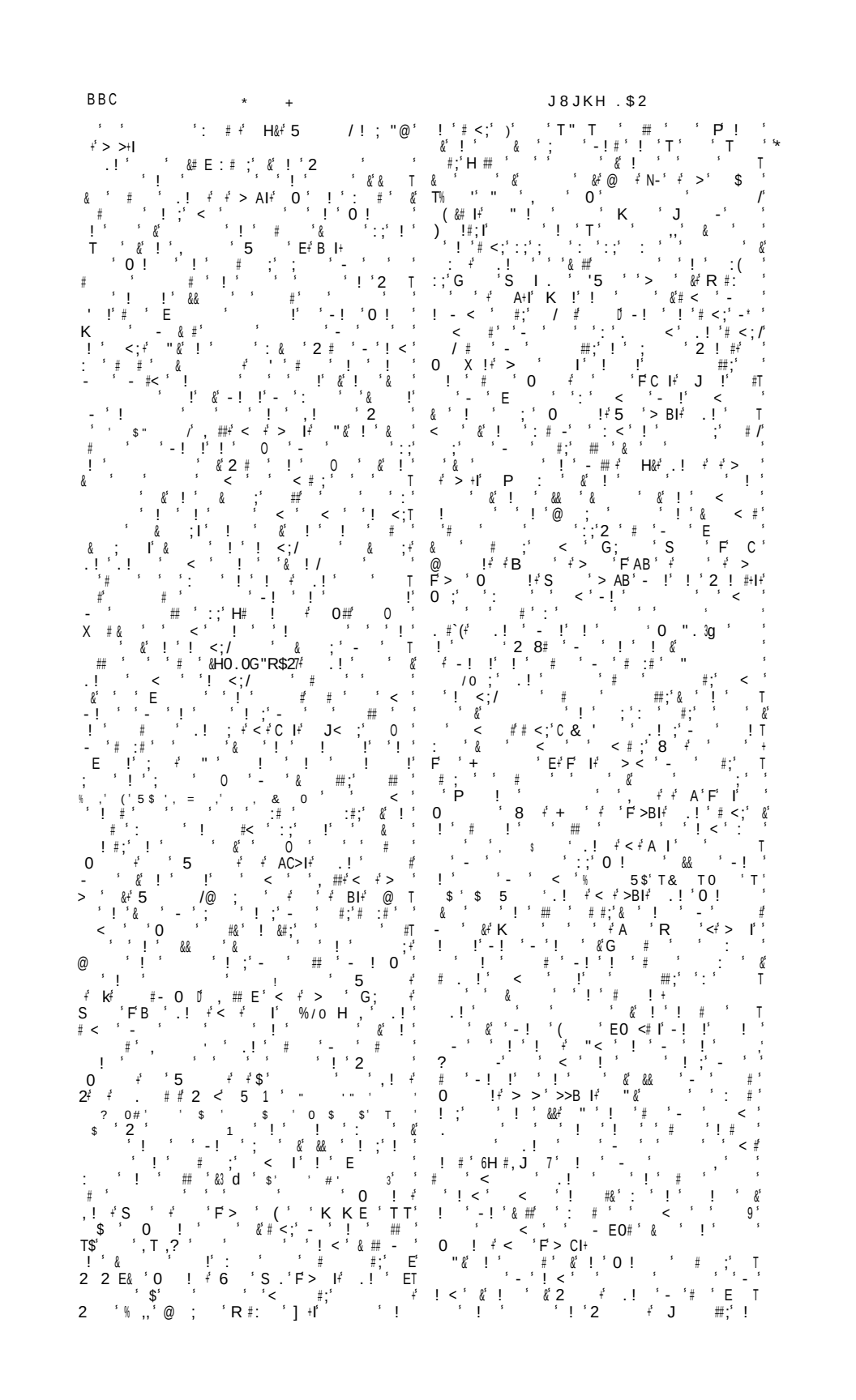

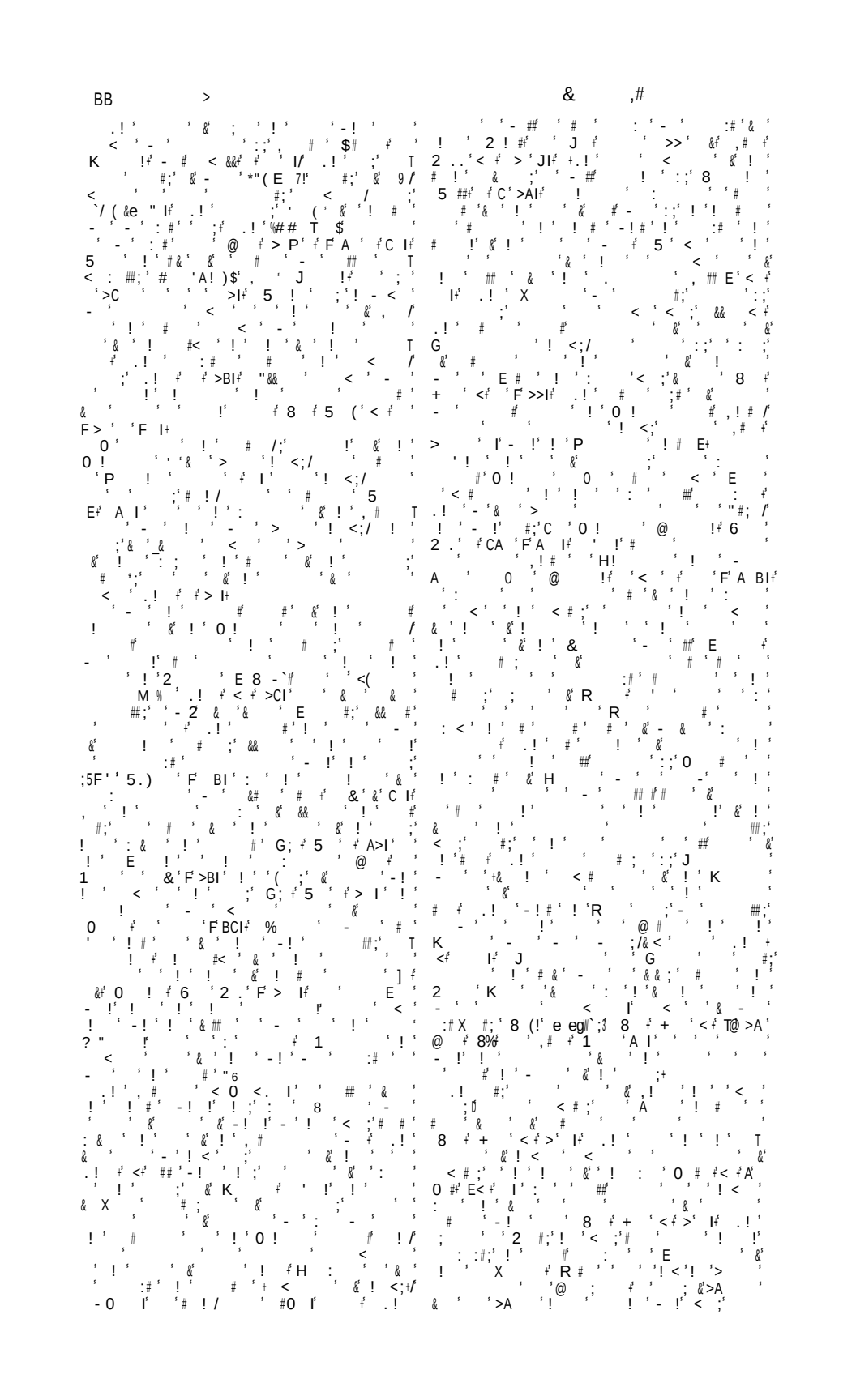

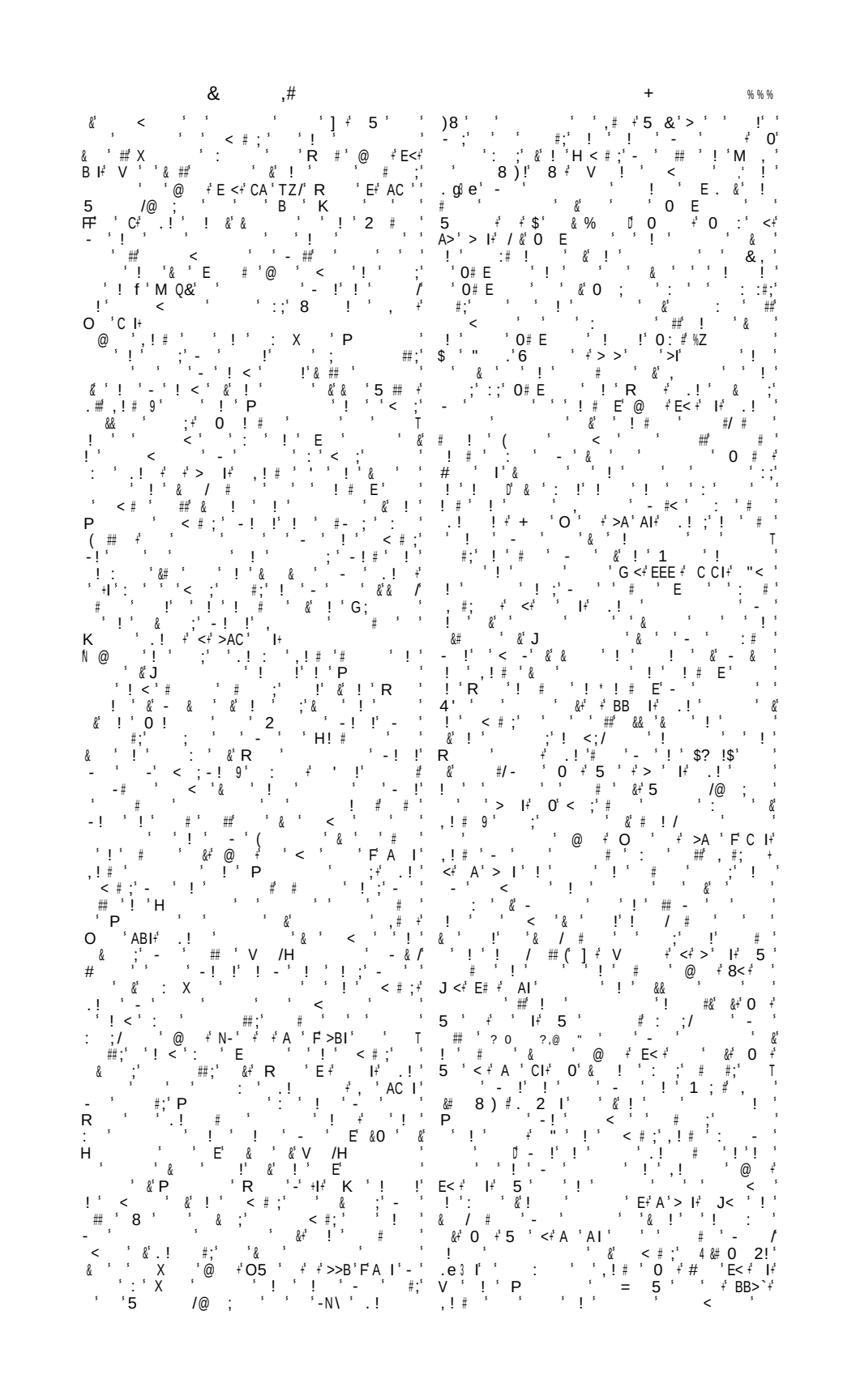

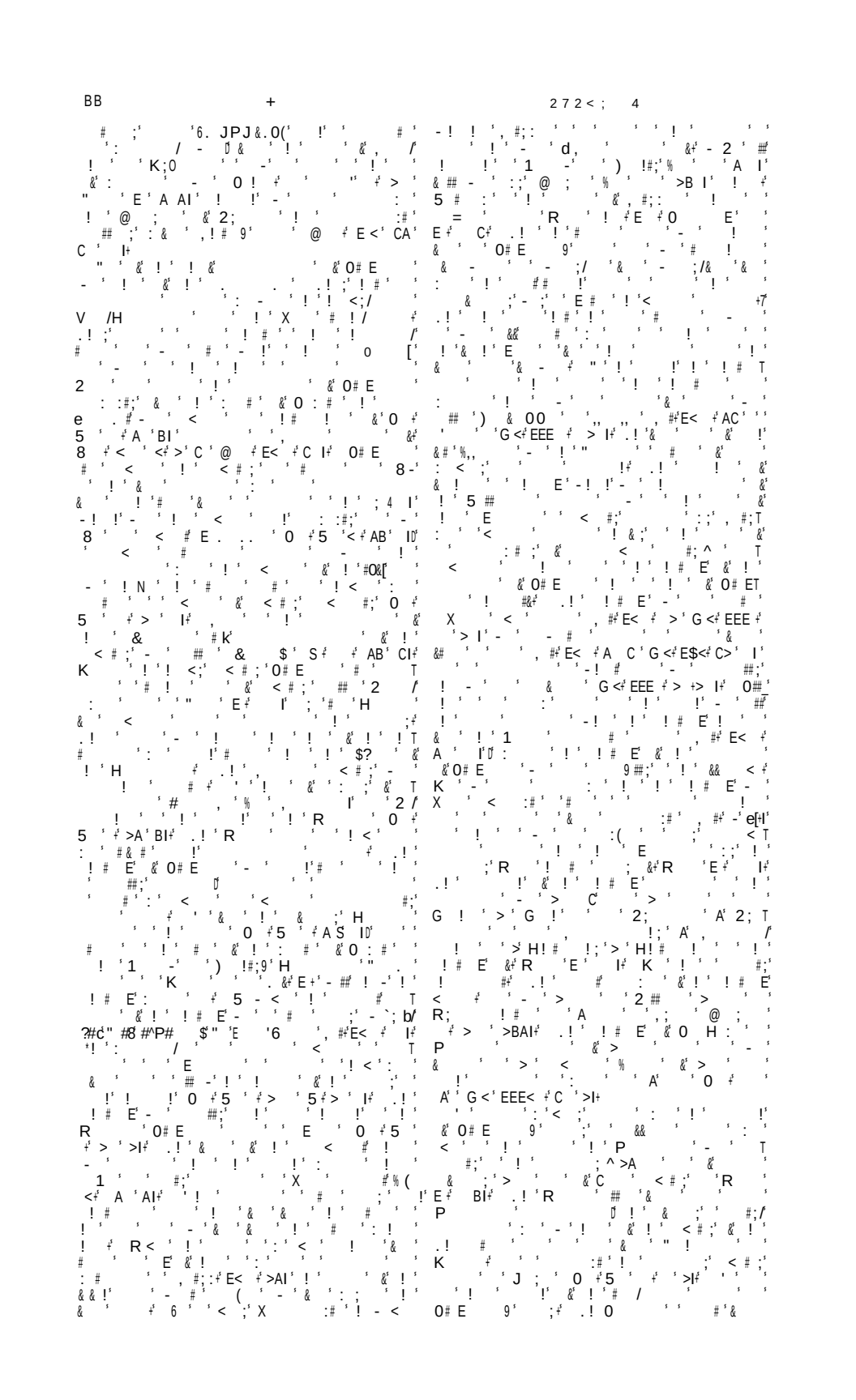

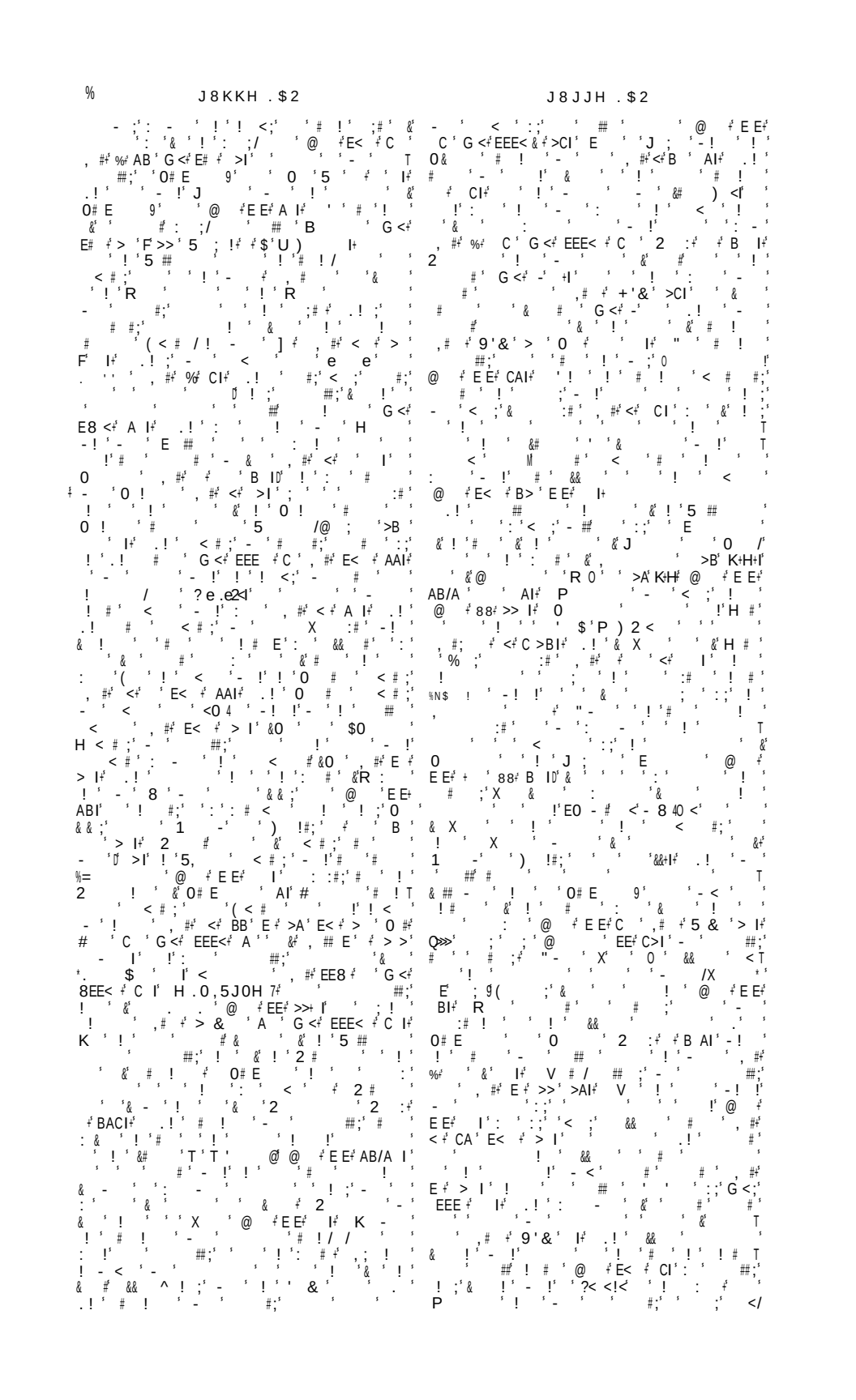

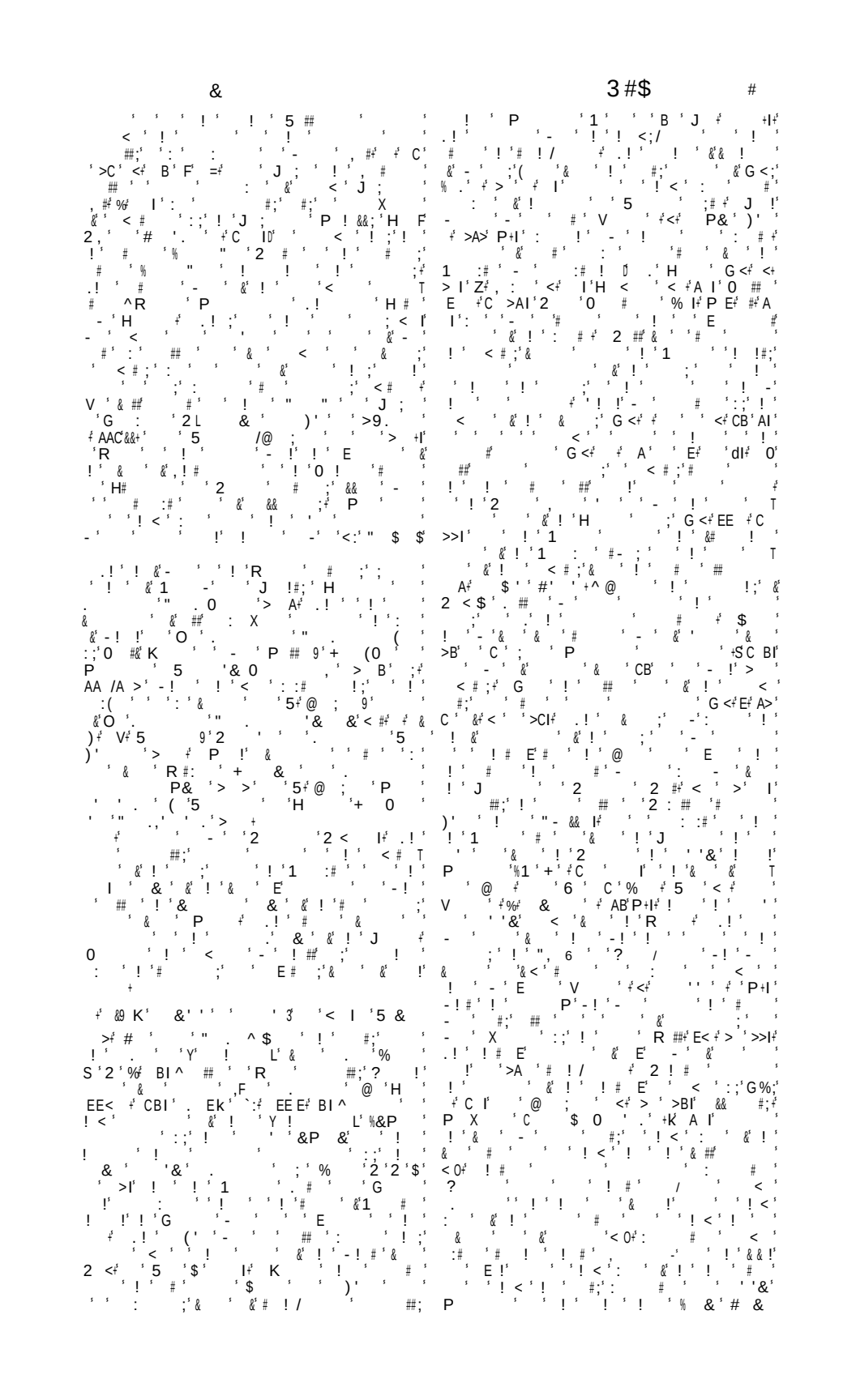

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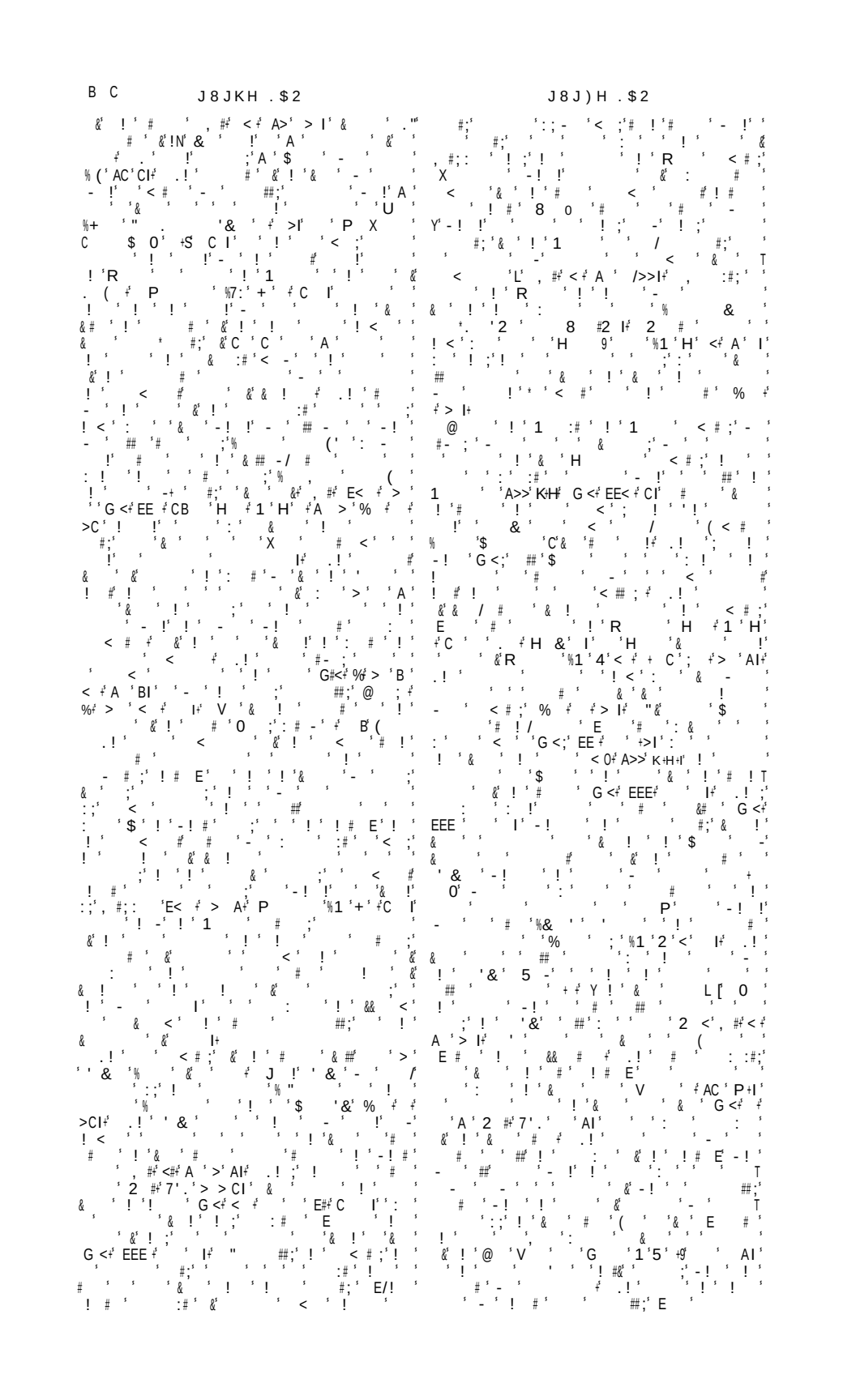

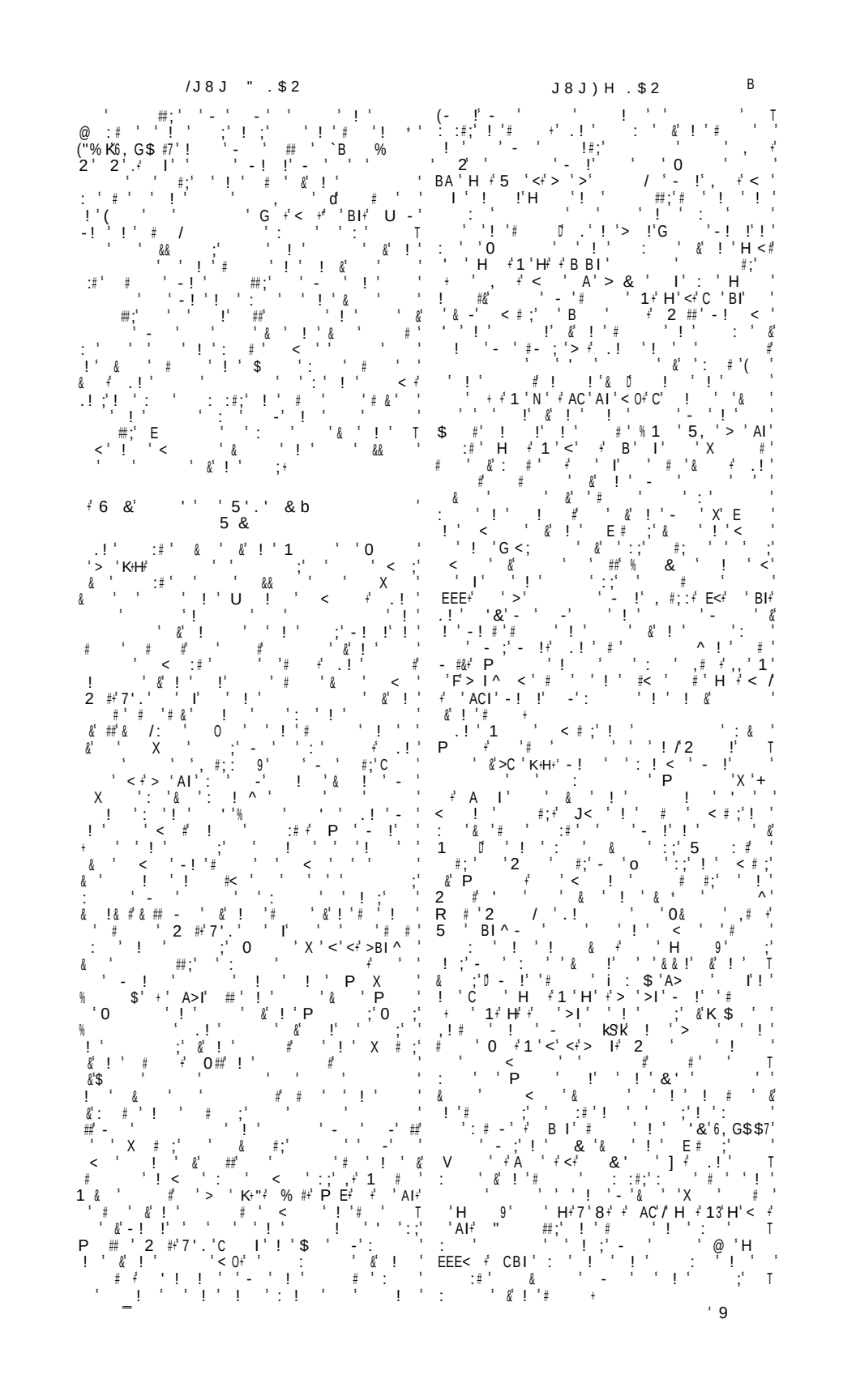

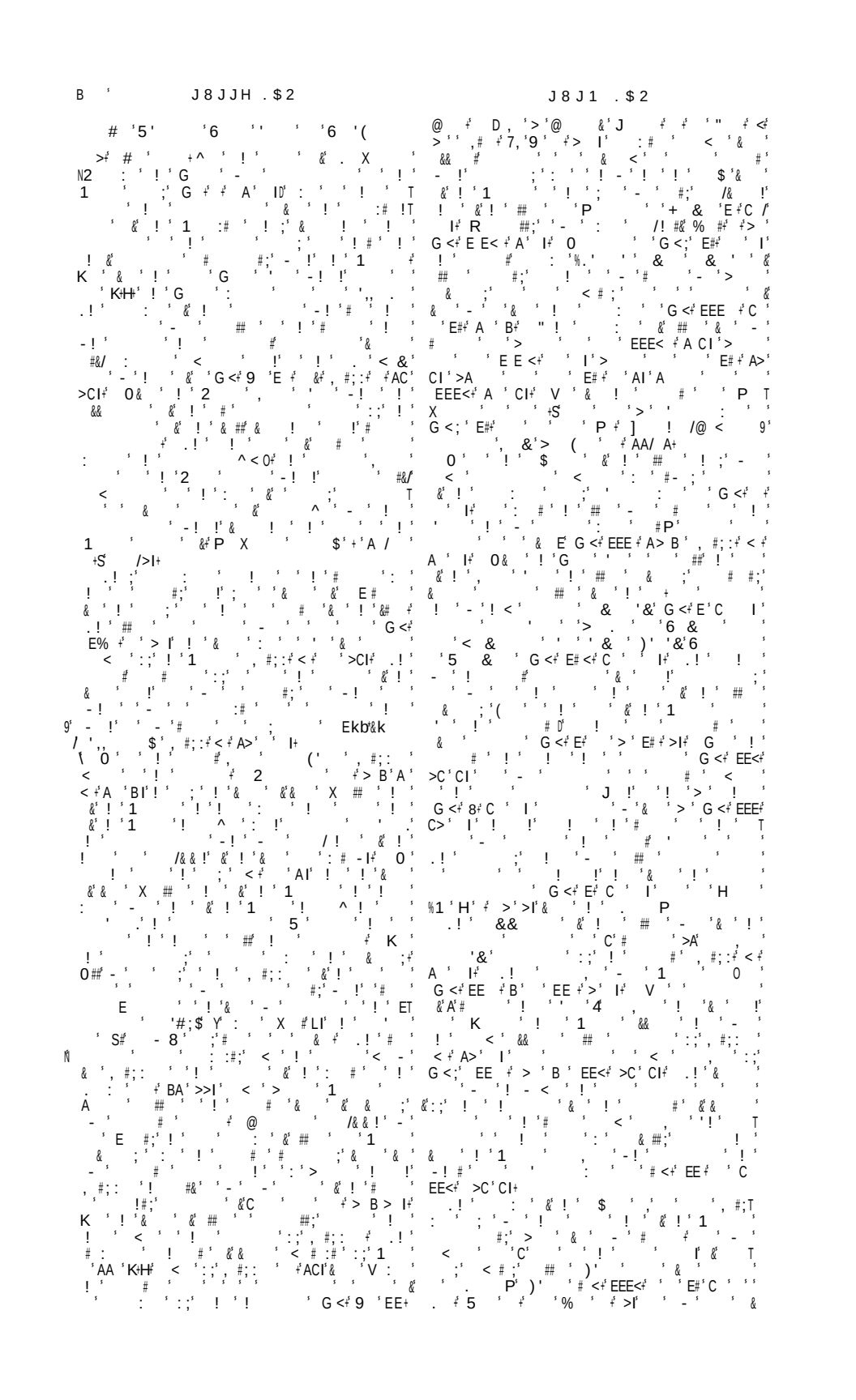

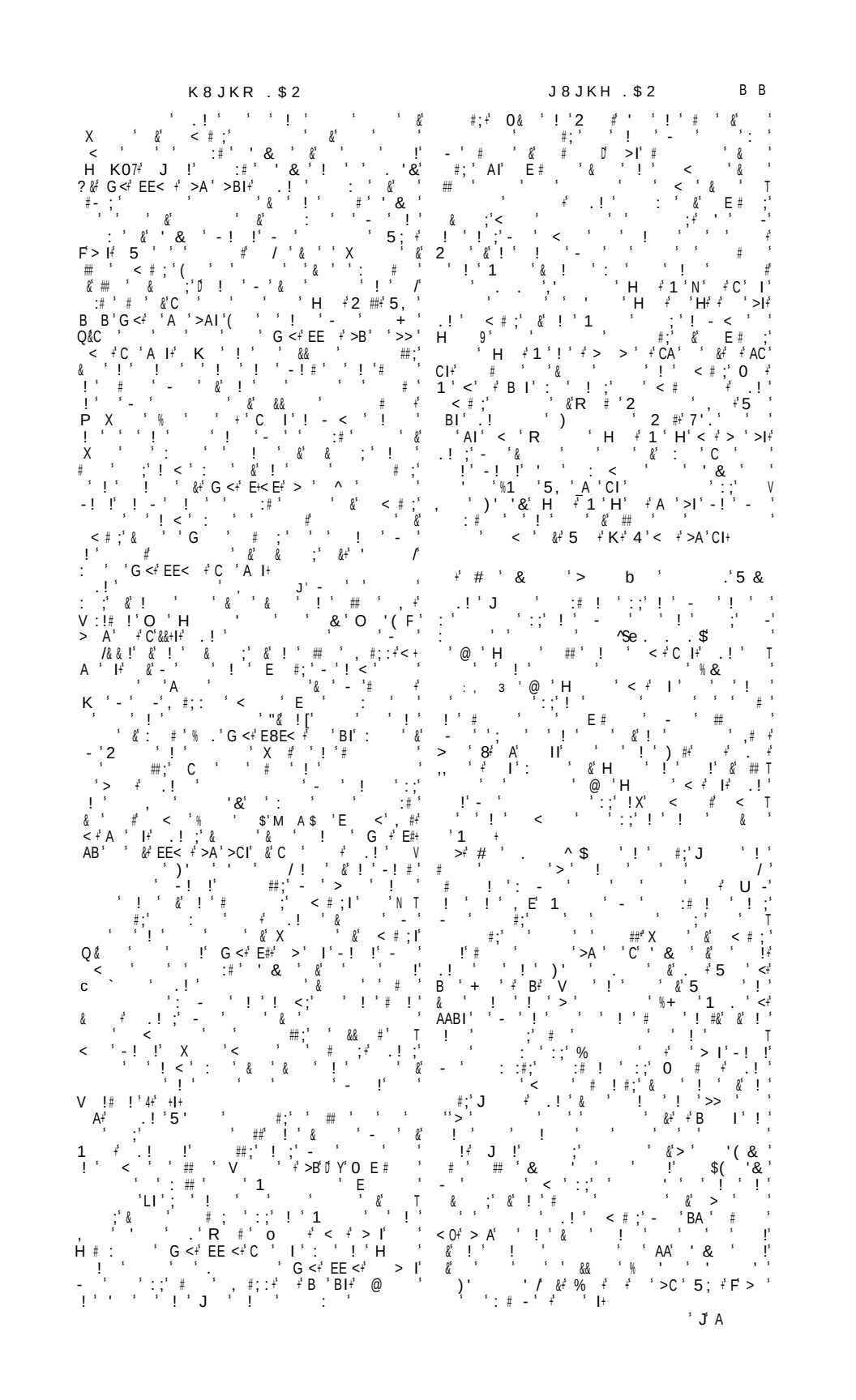

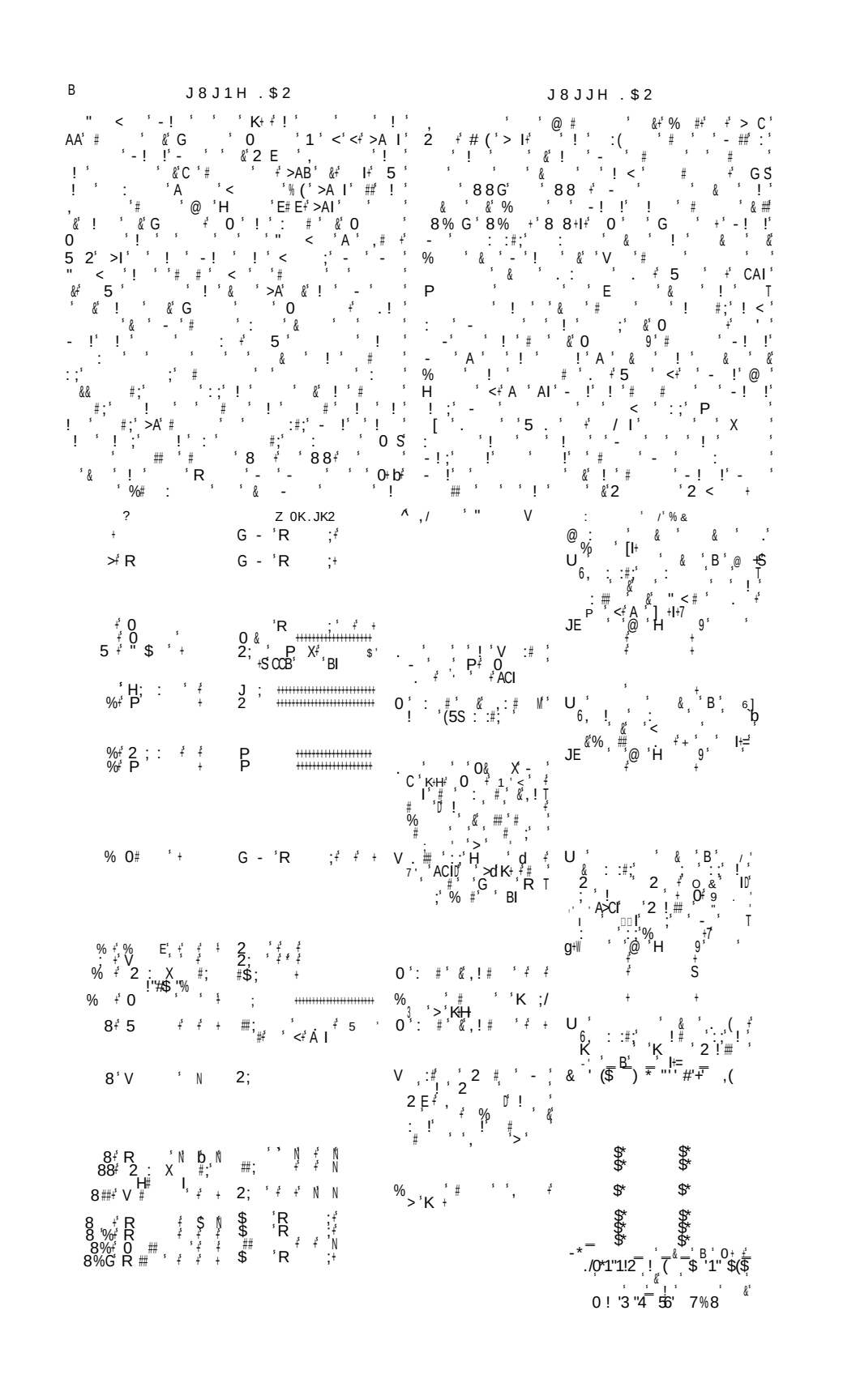

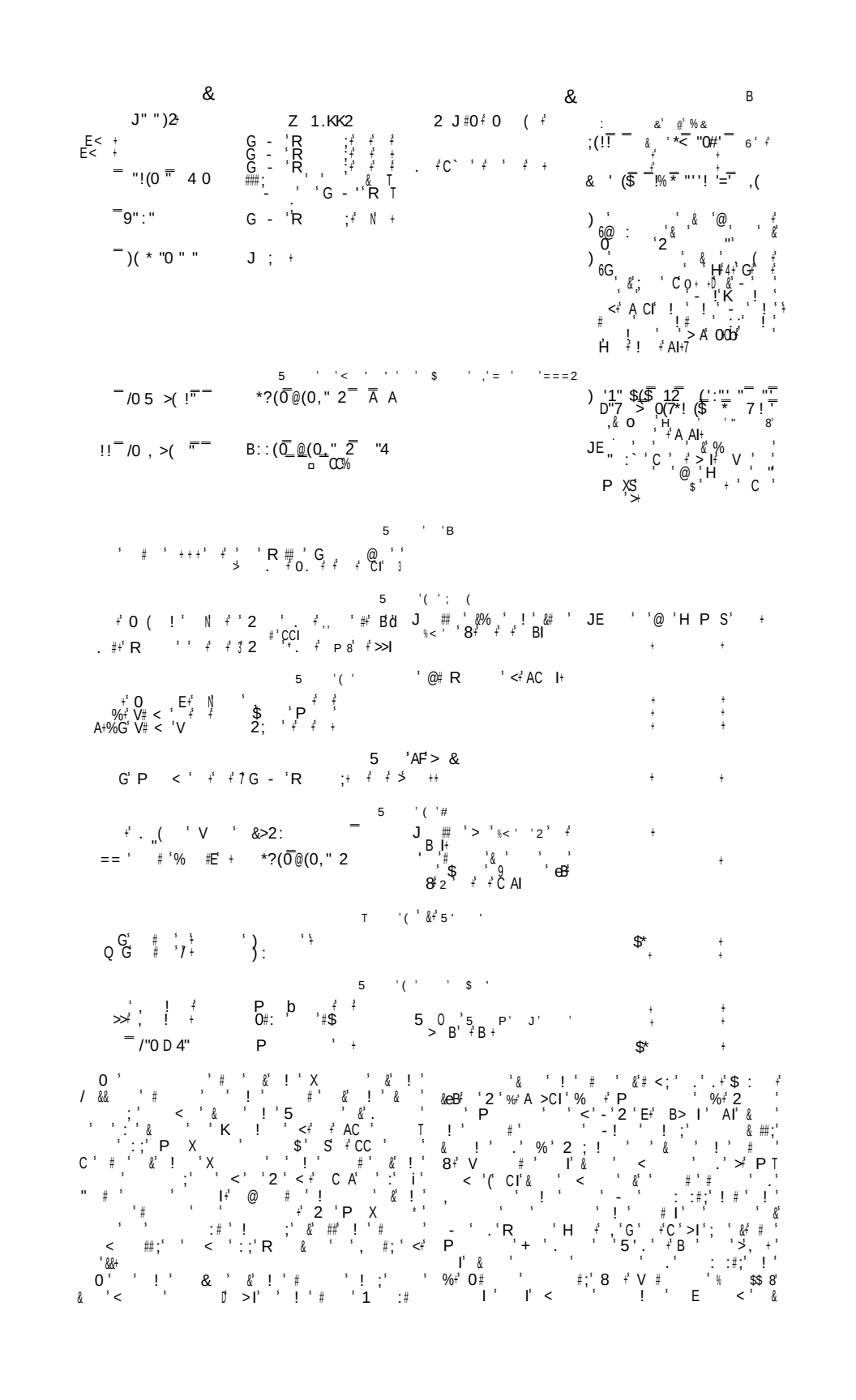

courage and devotion, e.g. *pia, fidelis, constans, victrix, aeterna, rapax;* (7) up till Caracalla's time, when the emperor's name was added to the legions, except in the case of a few, as VII. and XI. Claudia pia fidelis, it marked the founder, as II. Trajana, XXX. Ulpia Victrix. After Caracalla all legions bore the name of the reigning emperor (cf. Schiller, *Kaiserzeit.* 742, note 1).

2. *The Auxilia.*—Concerning the auxiliary troops under the Empire, Tacitus says (*Ann.* iv. 5): "At apud idonea provinciarum sociae triremes alaeque et auxilia cohortium, neque multo secus in iis virium: sed persequi incertum fuit cum ex usu temporis huc illuc mearent, gliscerent numero et aliquando minuerentur." They consisted of those forces, beside the legions, which were raised in the provinces. Perhaps we may assume that in numbers they were about equal to the legionaries (Suet. *Tib.* 16). They supplied the whole of the cavalry and a large contingent of infantry. The latter (*cohortes auxiliariae, sociae,* Tac. *Ann.* i. 49, 51) partly were equipped in Roman fashion, partly retained their native weapons, and as such are styled *sagittarii, funditores, scutati, contarii, catafracti* (see Index to *C. I. L.* iii. p. 1148 ff.), or collectively *leves cohortes* or *ferentarius miles* (Tac. *Ann.* i. 51; xii. 35). The latter passage contrasts the swords and *pila* of the legionaries with the *spathae* (broad two-edged swords without a point) and *hastae* of the auxiliaries.

The regular auxiliary cohorts were divided into *cohortes quingenariae* of 480 men, each in 6 centuries (Hyg. § 28); or *cohortes milliariae* of 1,000 men, each in 10 centuries. Some of these cohorts were exclusively infantry, and such were called *peditatae:* but from the time of Vespasian at all events (Tac. *Hist.* iv. 19) it was found necessary, in order to enable the cohort to be an independent body capable of acting efficiently in garrison duty on the frontiers, to join a certain number of cavalry to some cohorts. These were called *cohortes equitatae.* A *cohors quingenaria equitata* would consist of 360 infantry in 6 centuries of 60 each, and 120 cavalry in 6 *turmae* of 20 each (Hyg. § 27; *C. I. G.* 5053): a *cohors milliaria equitata* of 760 infantry in 10 centuries of 76 each, and 240 cavalry in 10 *turmae* of 24 each (cf. Mommsen in *Eph. Epigr.* v. p. 31).

Roman Soldier. (From Iwan Müller's *Handbuch*, vol. iv. p. 745.)

The cavalry were further divided into *alae milliariae* of 960 men each, in 24 *turmae* of 40 each, and *alae quingenariae* of 480 men each, in 16 *turmae* of 30 men each. Josephus (*B. J.* iii. 5, 5) tells us that under Vespasian the cavalry wore helmets and cuirasses; carried a long sword, a long pole (*κόντος ἐπιμήκης*), and a buckler; and were furnished with a quiver, containing three or more javelins with large points and as broad as spears. Under Hadrian, as we learn from Arrian (*Tact.* 34), they had an iron visored gold-plaited helmet, with a plume of red horse-hair, a light shield, and instead of a cuirass a red Cimmerian tunic (*i.e.* made of Crimean leather). In the preceding cut we see many of the above accoutrements. The cuirass seems to be of leather. Note also the trousers (*bracae*) and boots.

Besides the names we have mentioned, which distinguished the cohorts according to their character and numbers (*equitatae* or *peditatae, quingenariae* or *milliariae*) and the *alae* according to their numbers, some, especially the *alae,* were also called after the provincial governor who first organised them: *e.g.* Auriana (Tac. *Hist.* iii. 5), Petriana, Siliana (*ib.* i. 70), cohors Lepidiana (Diplomata xi. xii. in *C. I. L.* iii. pp. 854, 855), &c. (A full list in Marquardt, *Staatsv.* ii.² 473, note 5: also in Mommsen, *Eph. Epigr.* v. 246 f.) It is quite a mistake to suppose that they got their names from their commanders, as Borghesi has shown (iv. 192) in the case of the *ala Frontoniana,* which appears with many different commanders (cf. *C. I. L.* iii. 788, 789, 793, 5331; *Eph. Epigr.* v. p. 175). Very commonly they are called after the emperor who organised them — *Claudia, Flavia, Ulpia, Aelia* (*C. I. L.* iii. Index, p. 1148 ff.). Sometimes, again, they were called after the country in which they were stationed or had distinguished themselves, e.g. *Ala I. Flavia Augusta Britannica* (Dipl. xxvi.), *Cohors I. Lusitanorum Cyrenaica* (Dipl. xx., xxii.). Also they got such honorary titles as *Augusta, Victrix, Veterana, Pia Fidelis* (*C. I. L.* iii. Index, *l. c.*). The cohorts were numbered progressively only so far as to distinguish cohorts otherwise undistinguished, e.g. *Cohortes I., II., III., IV., Twngrorum milliaria equitata.*

They were raised in the imperial provinces only (Mommsen in *Hermes,* xix. 45), though we hear of a levy in Cyrenaica (Tac. *Ann.* xiv. 18). They were seldom (Josephus, *B. J.* ii. 13, 7) stationed in the same province as they were raised in, nor indeed ever left very long in any one province: see, *e.g.* the transferences of *Cohors I. Thracum* in the Diplomata (ix., xiv., xxxvi.). But as time went on it was found impossible to keep each cohort of one nationality; and very frequently vacancies were filled up by men of other nations, especially from natives of the province in which the division happened to be stationed, *e.g.* among the *Equites Pannonii* in Britain there was a decurio from Spain (Dipl. xxi.); in the *cohortes Alpinorum* and *Lusitanorum* in Pan-

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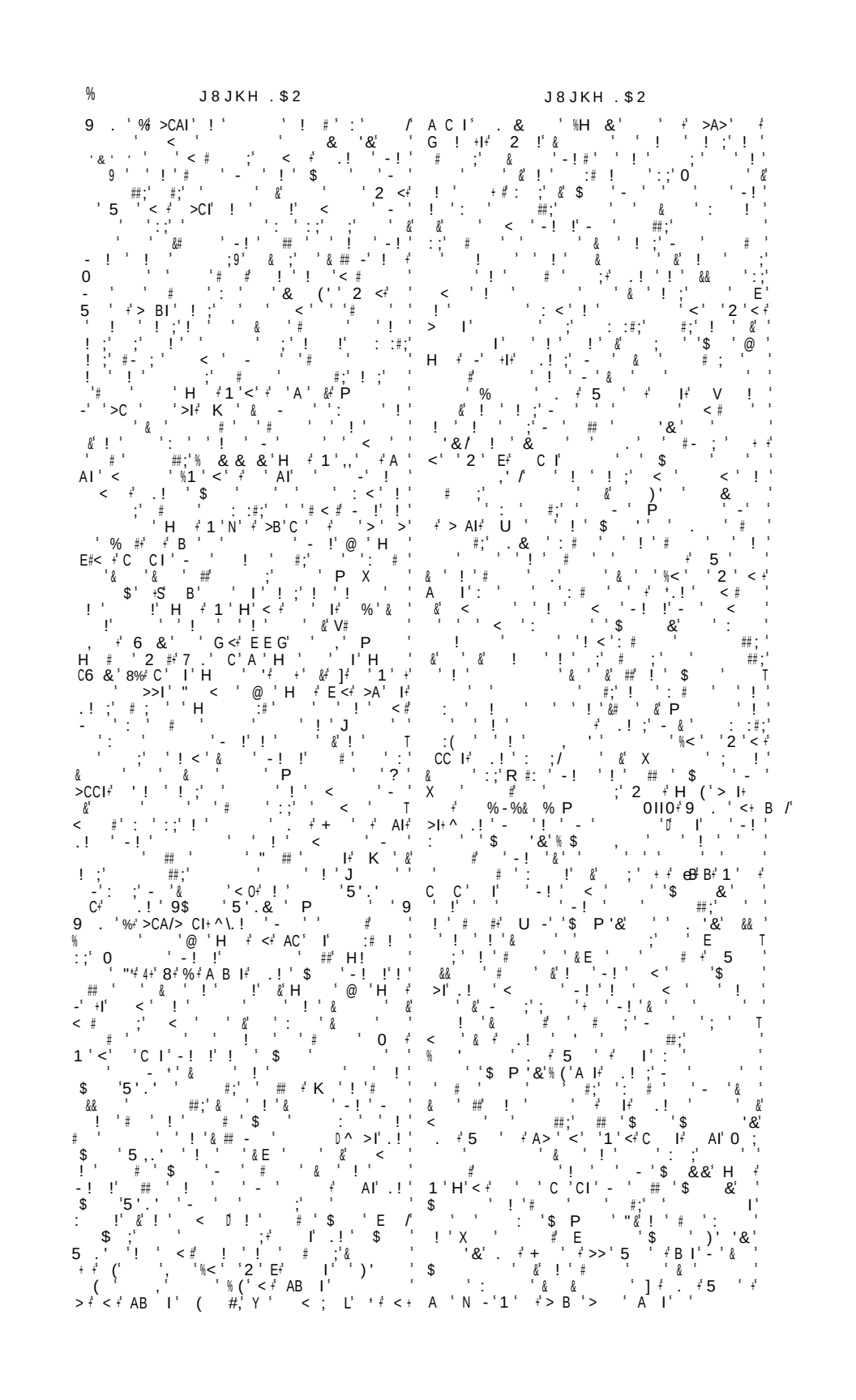

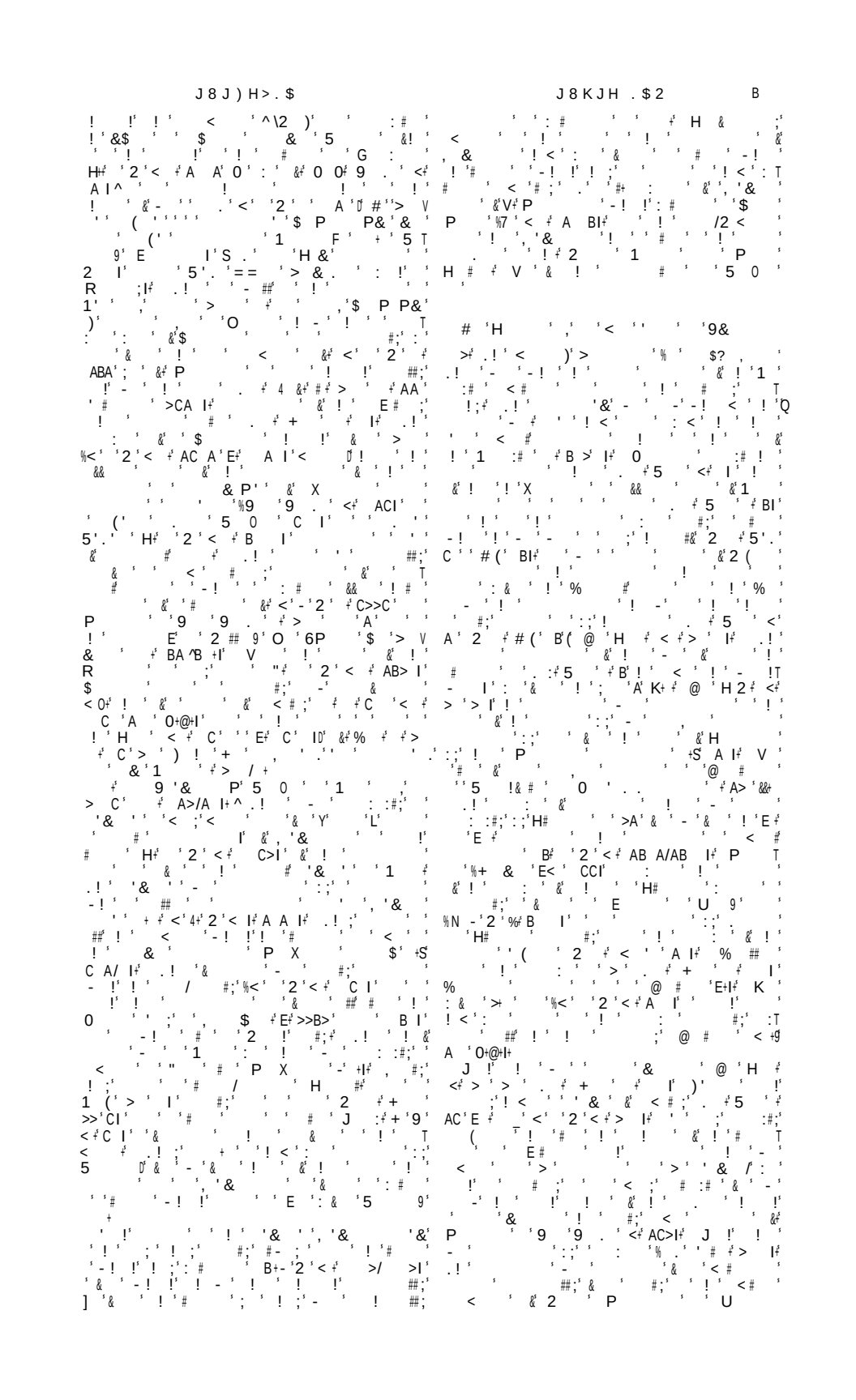

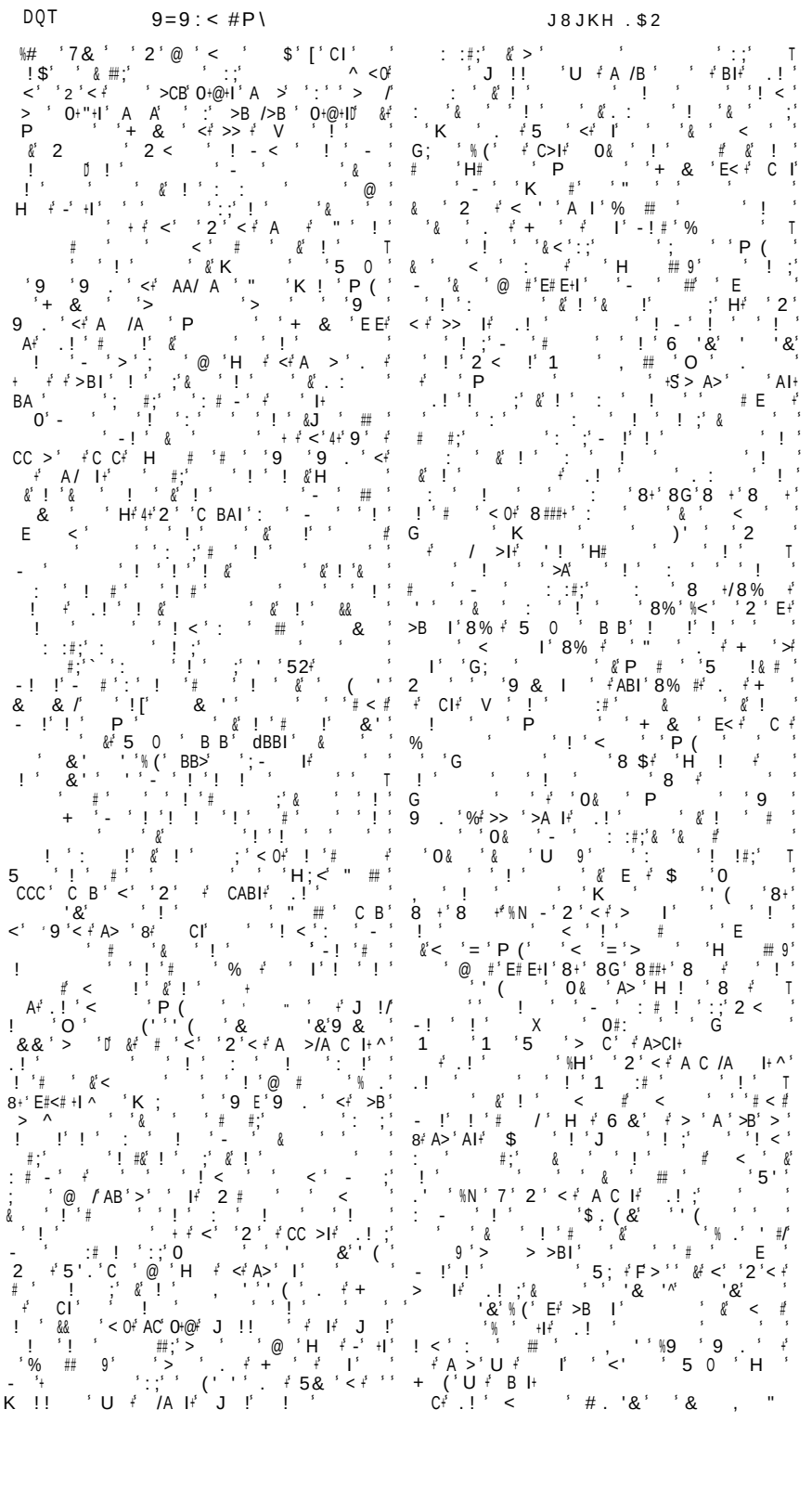

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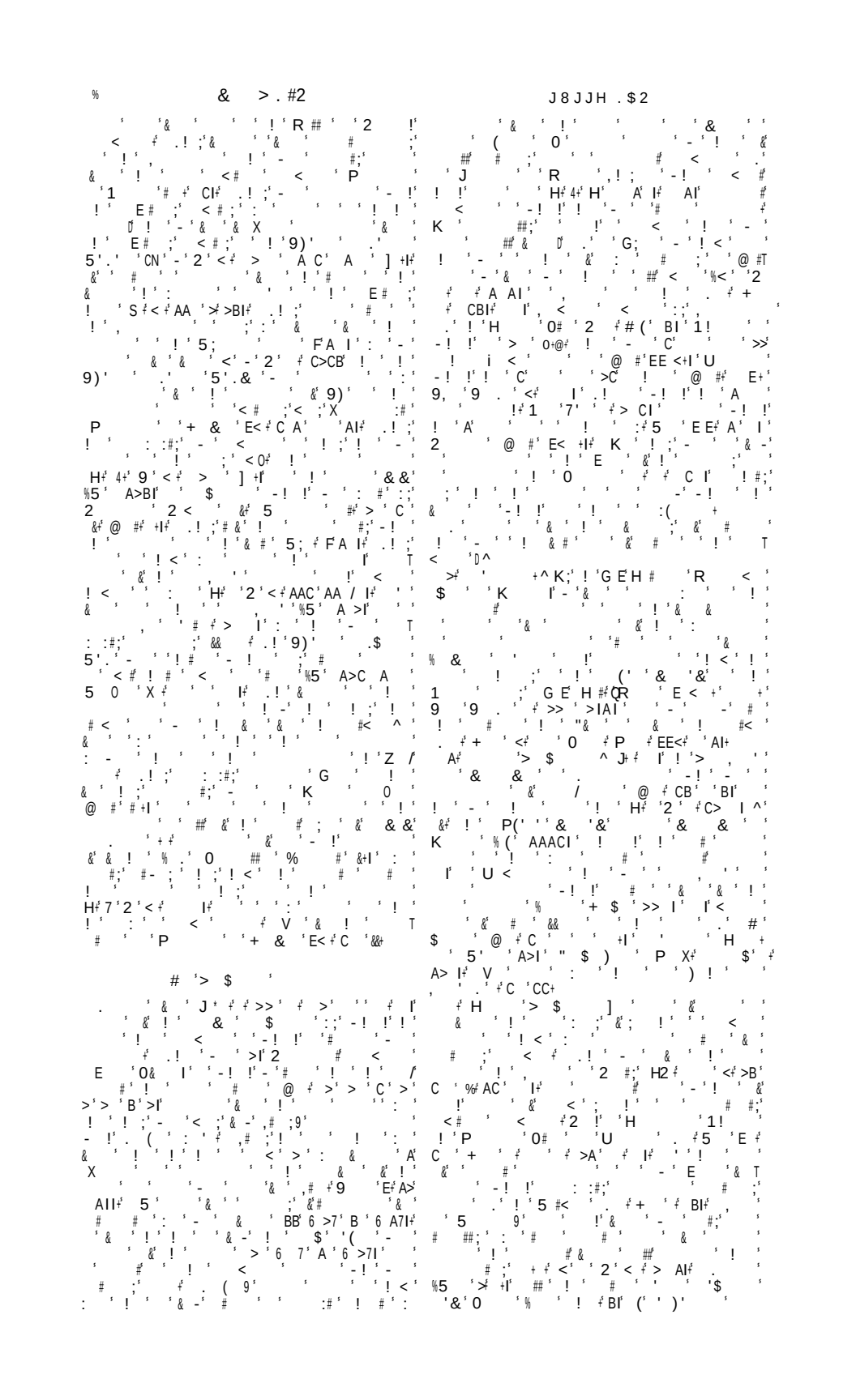

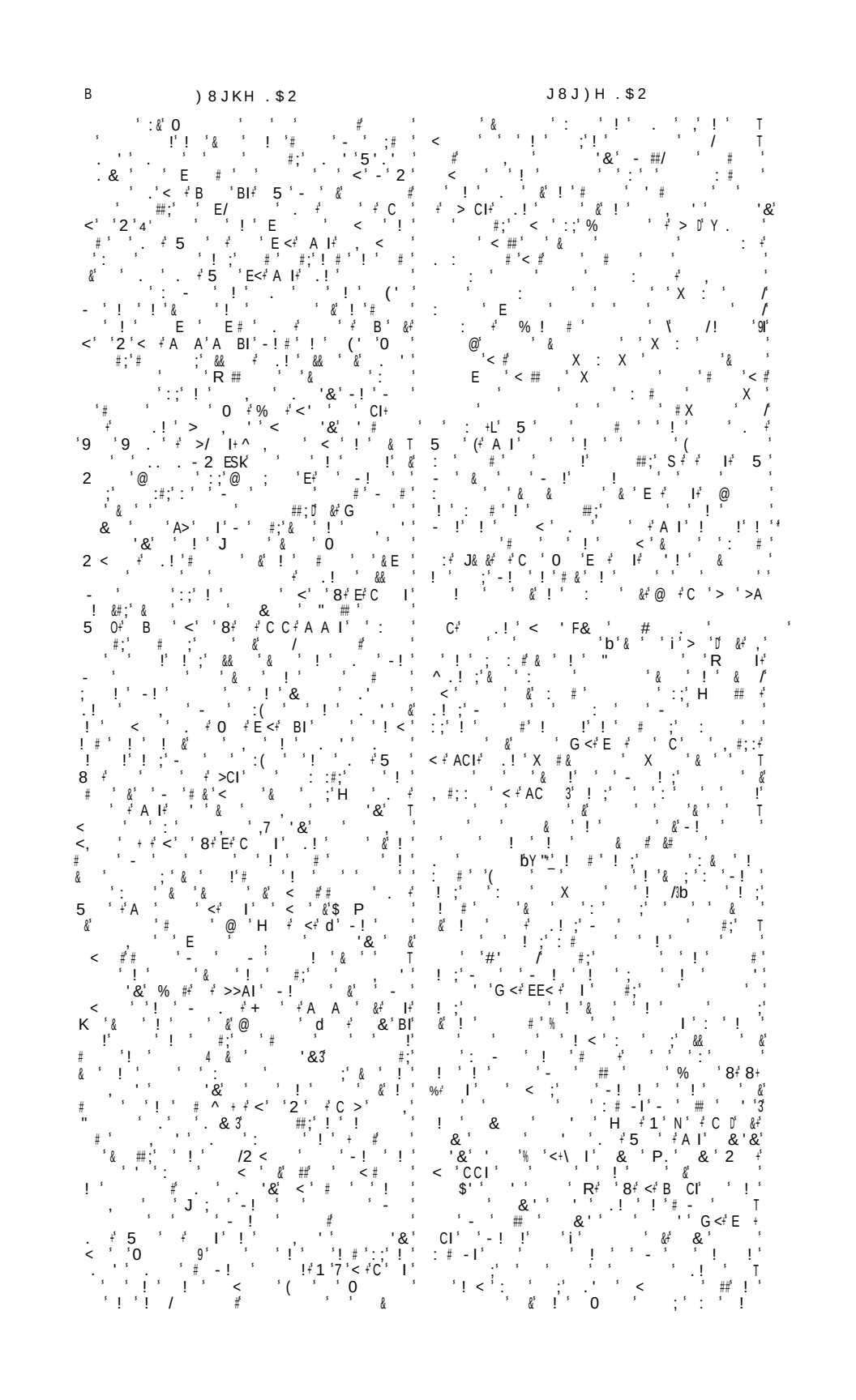

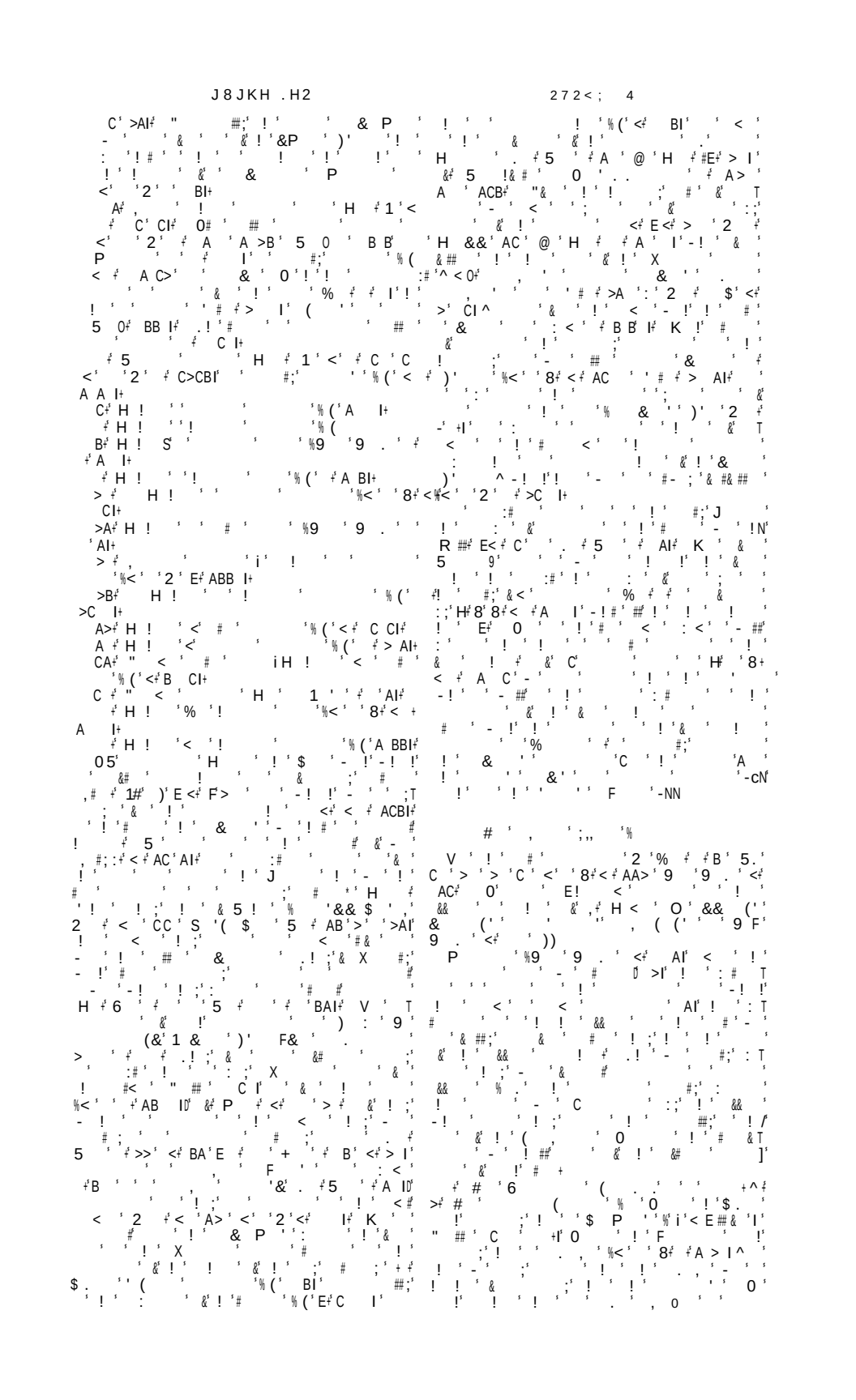

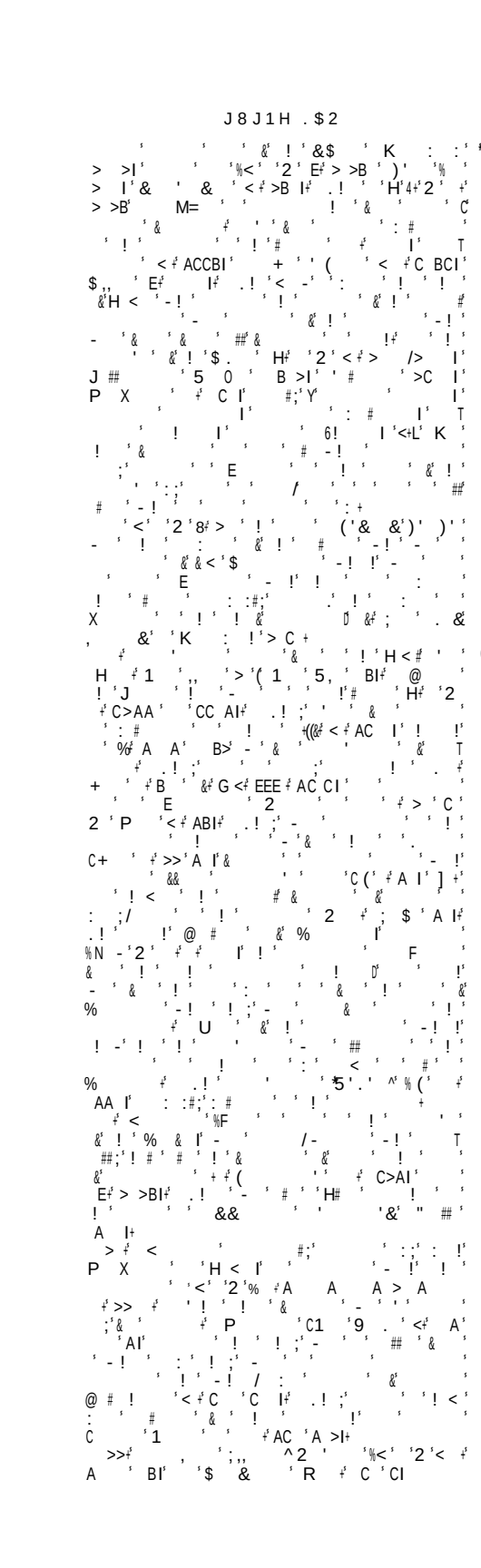

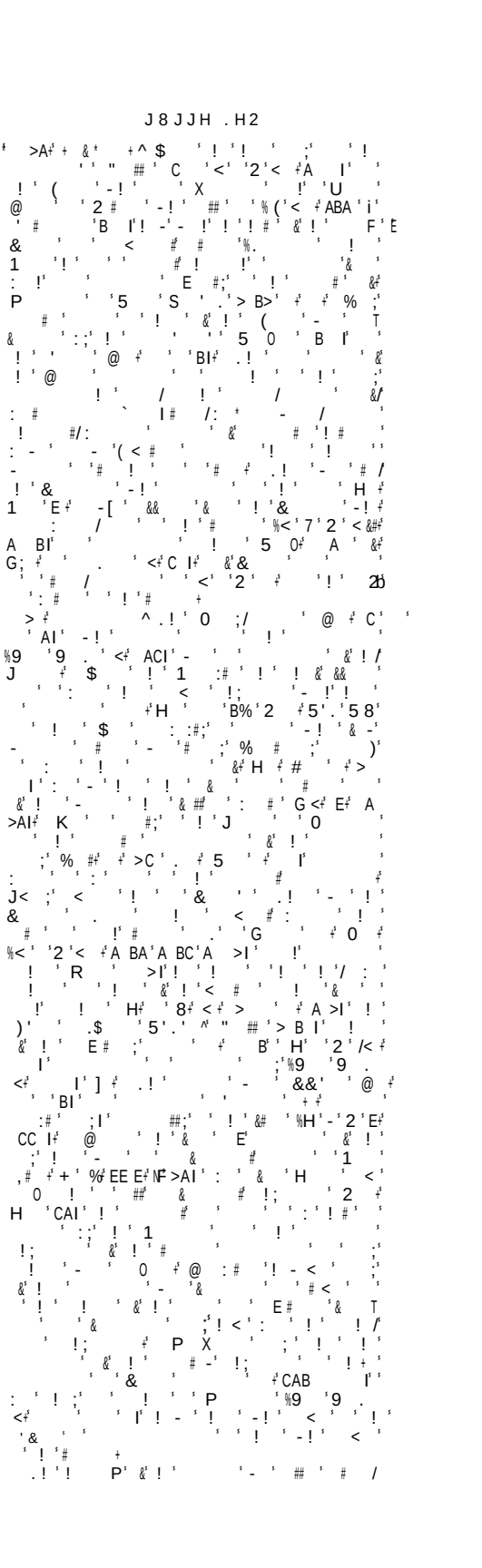

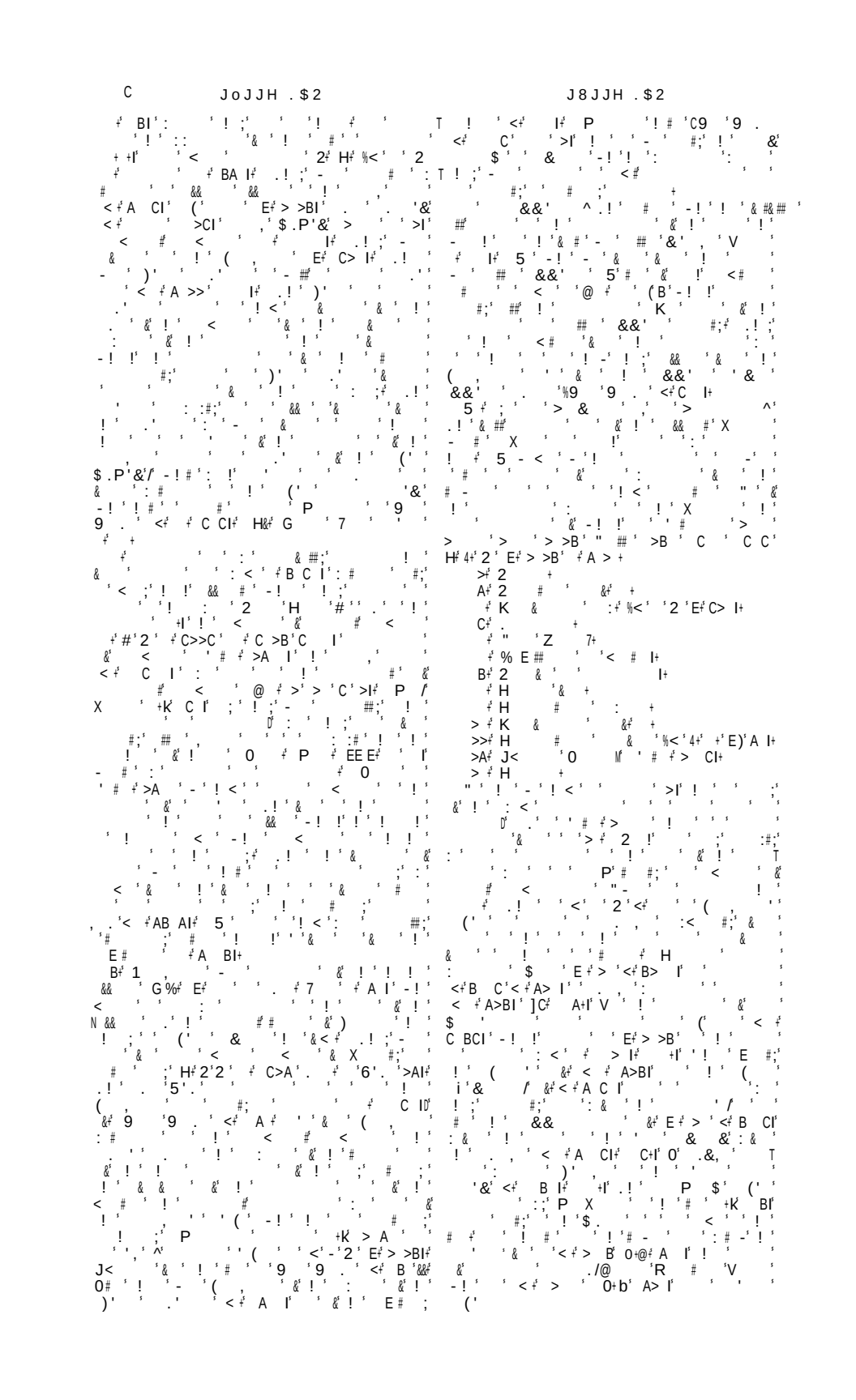

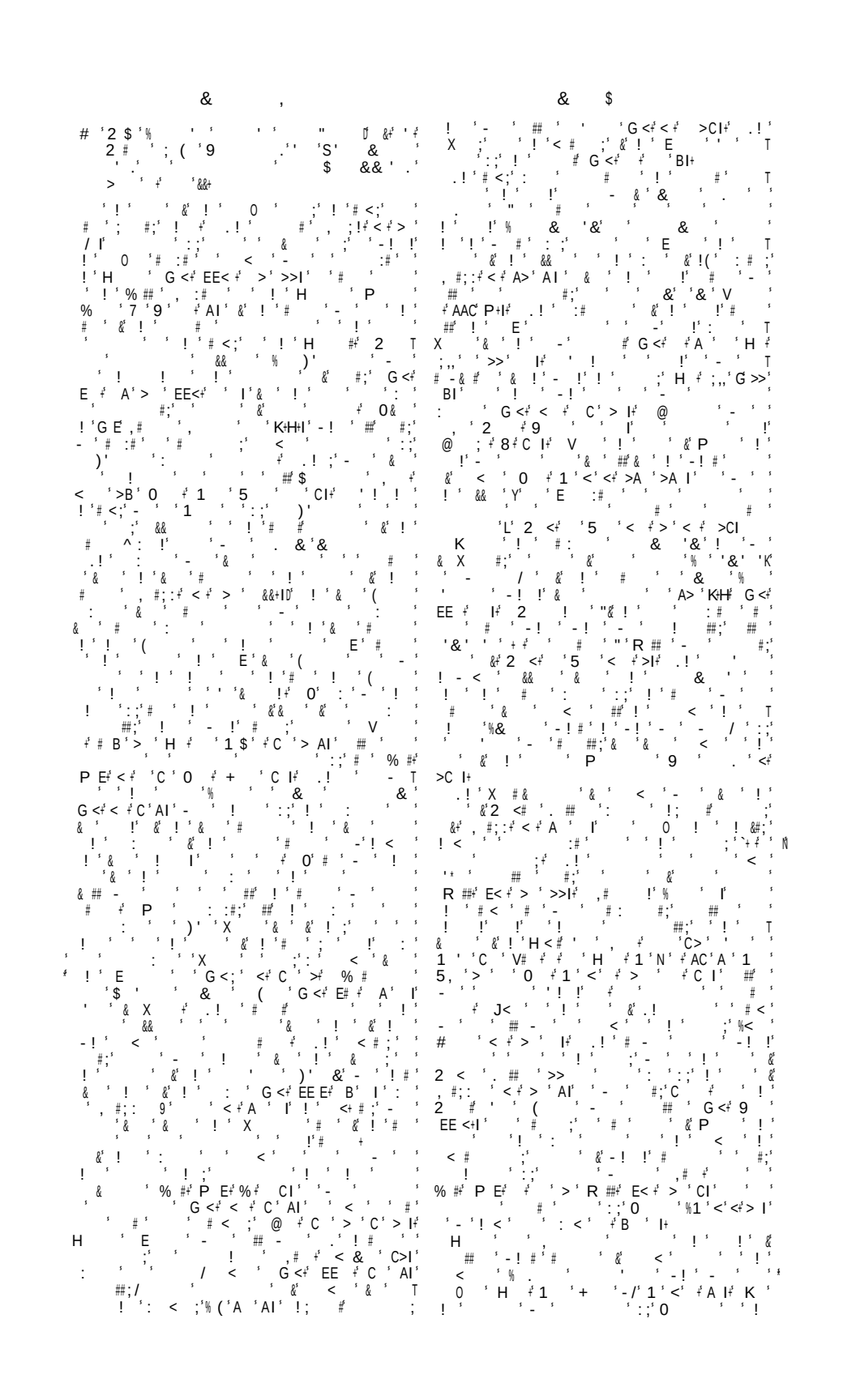

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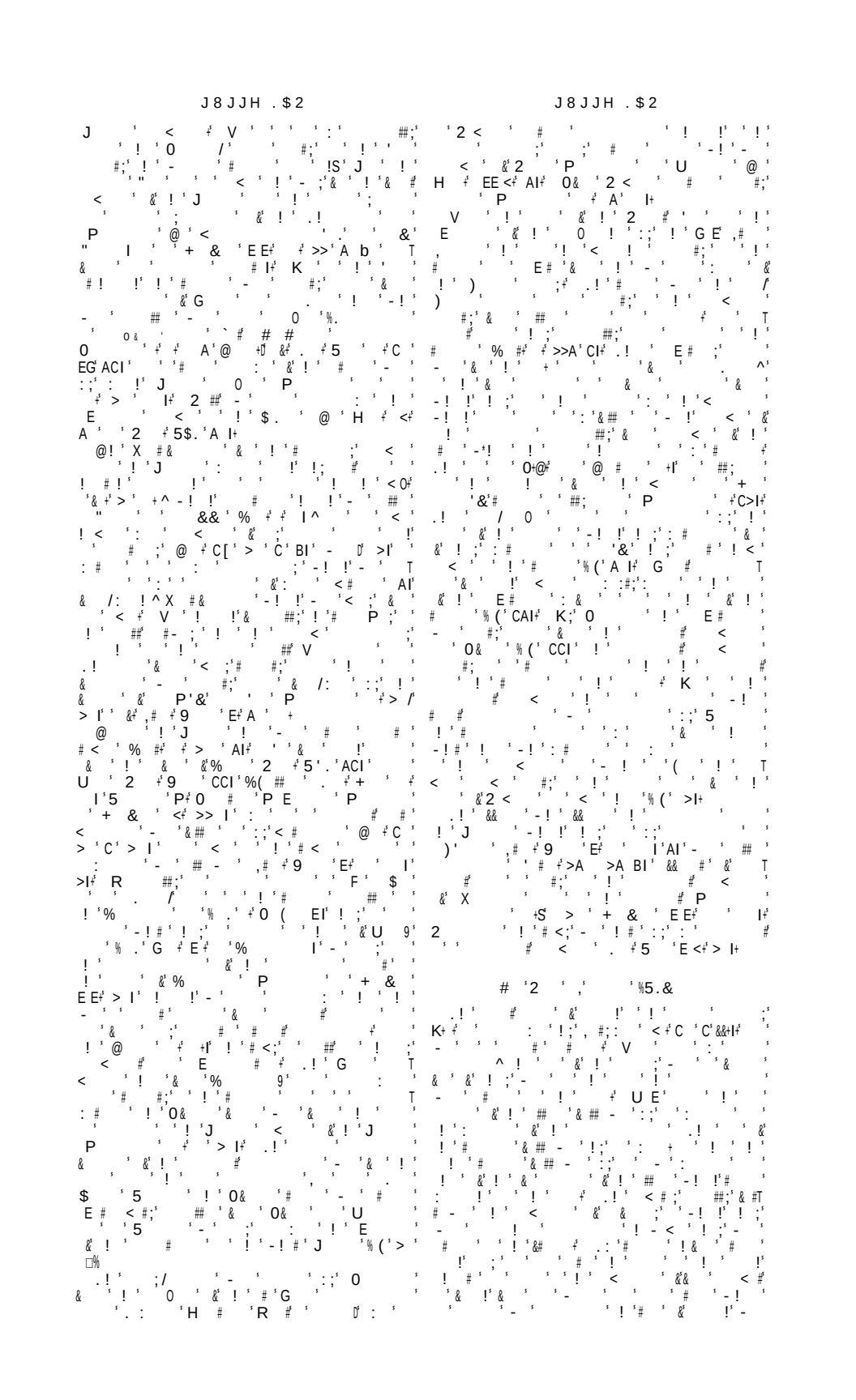

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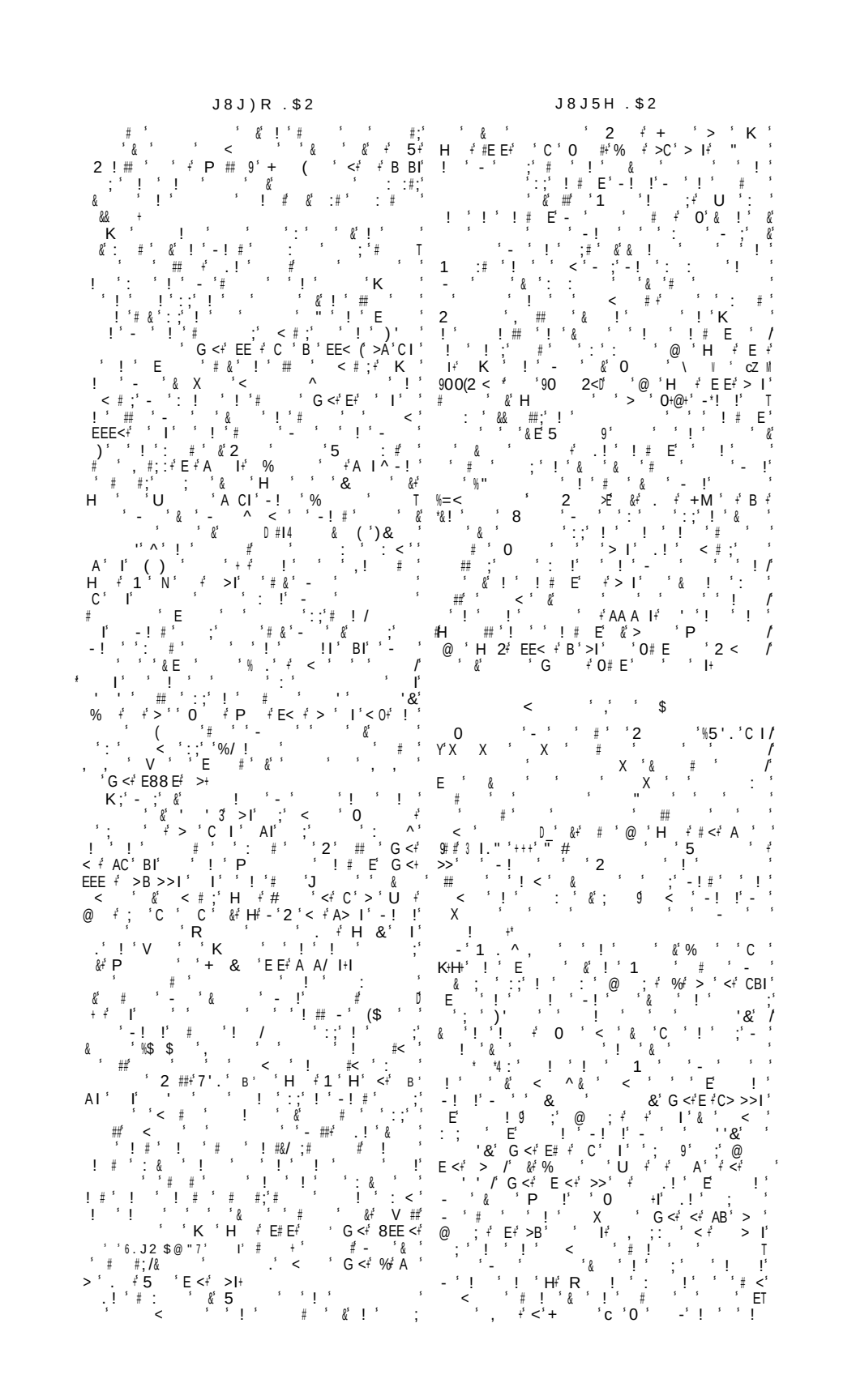

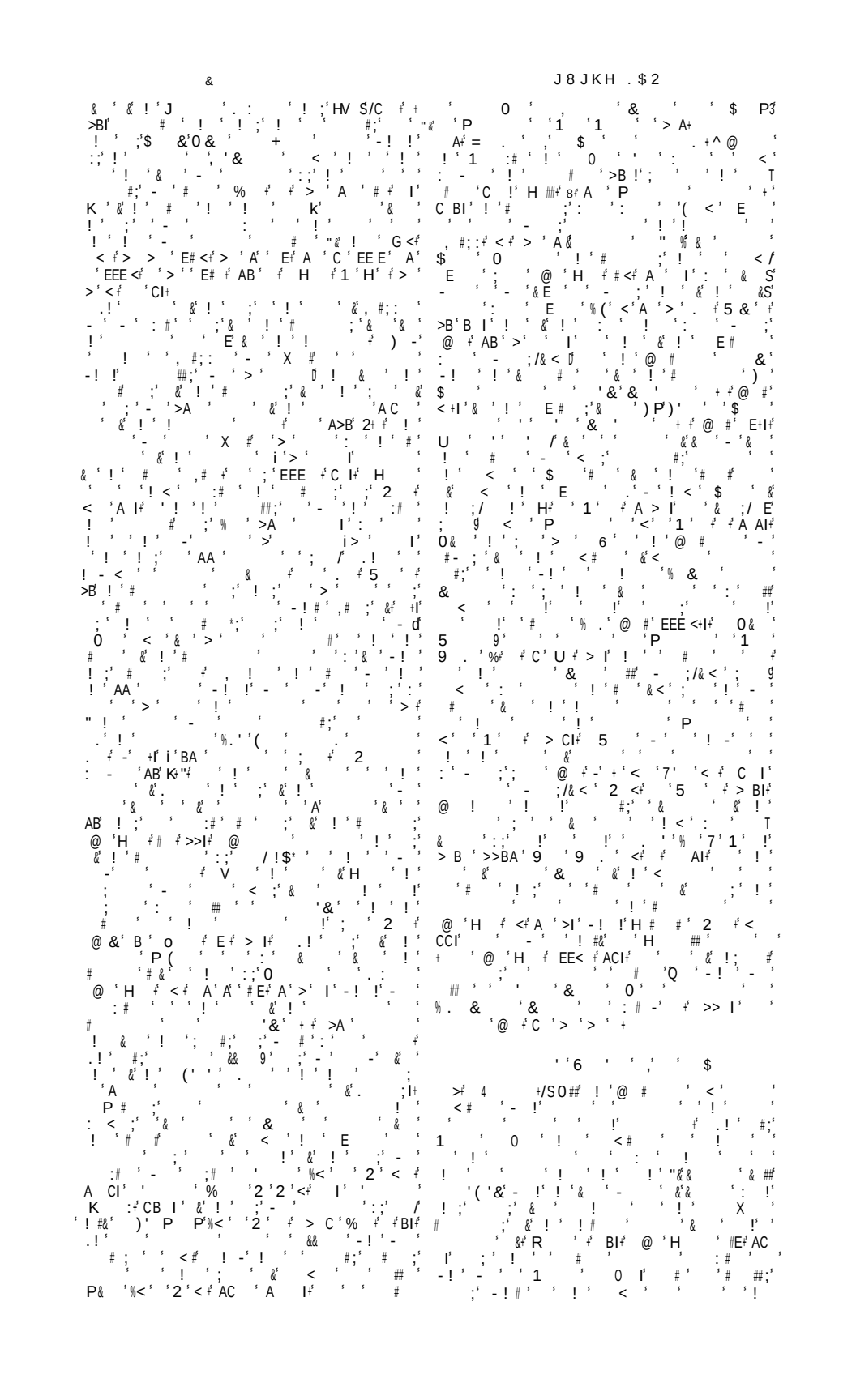

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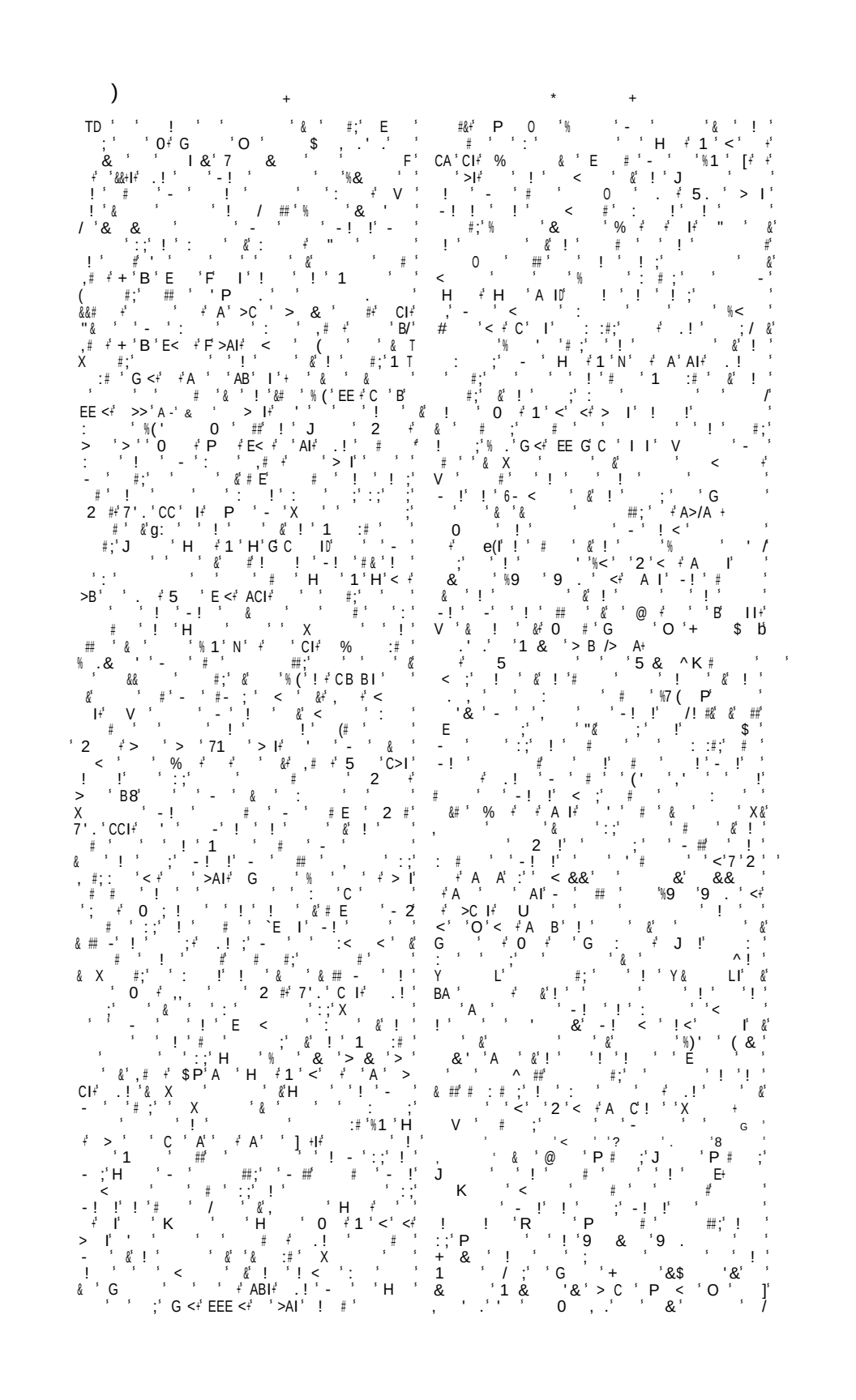
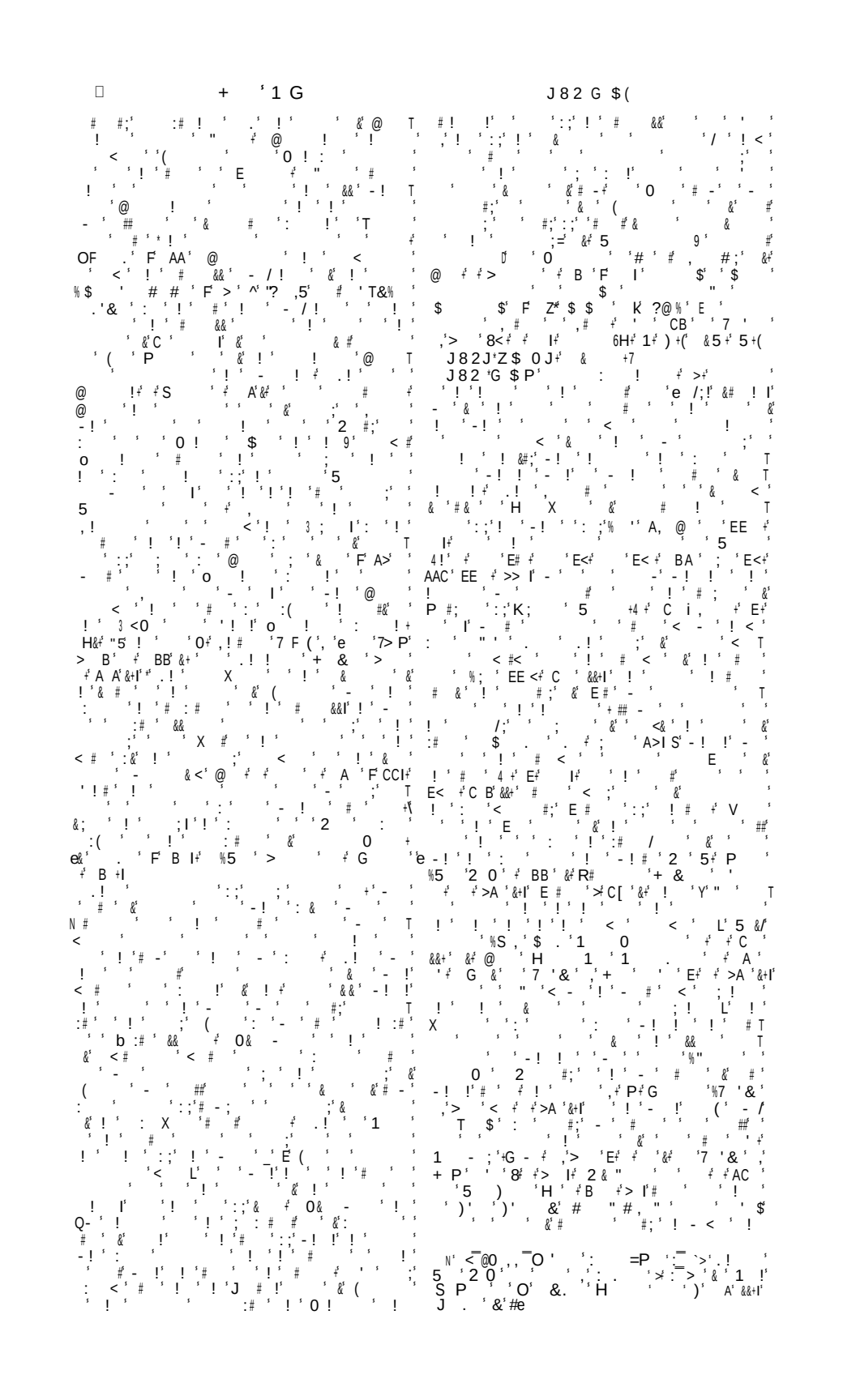
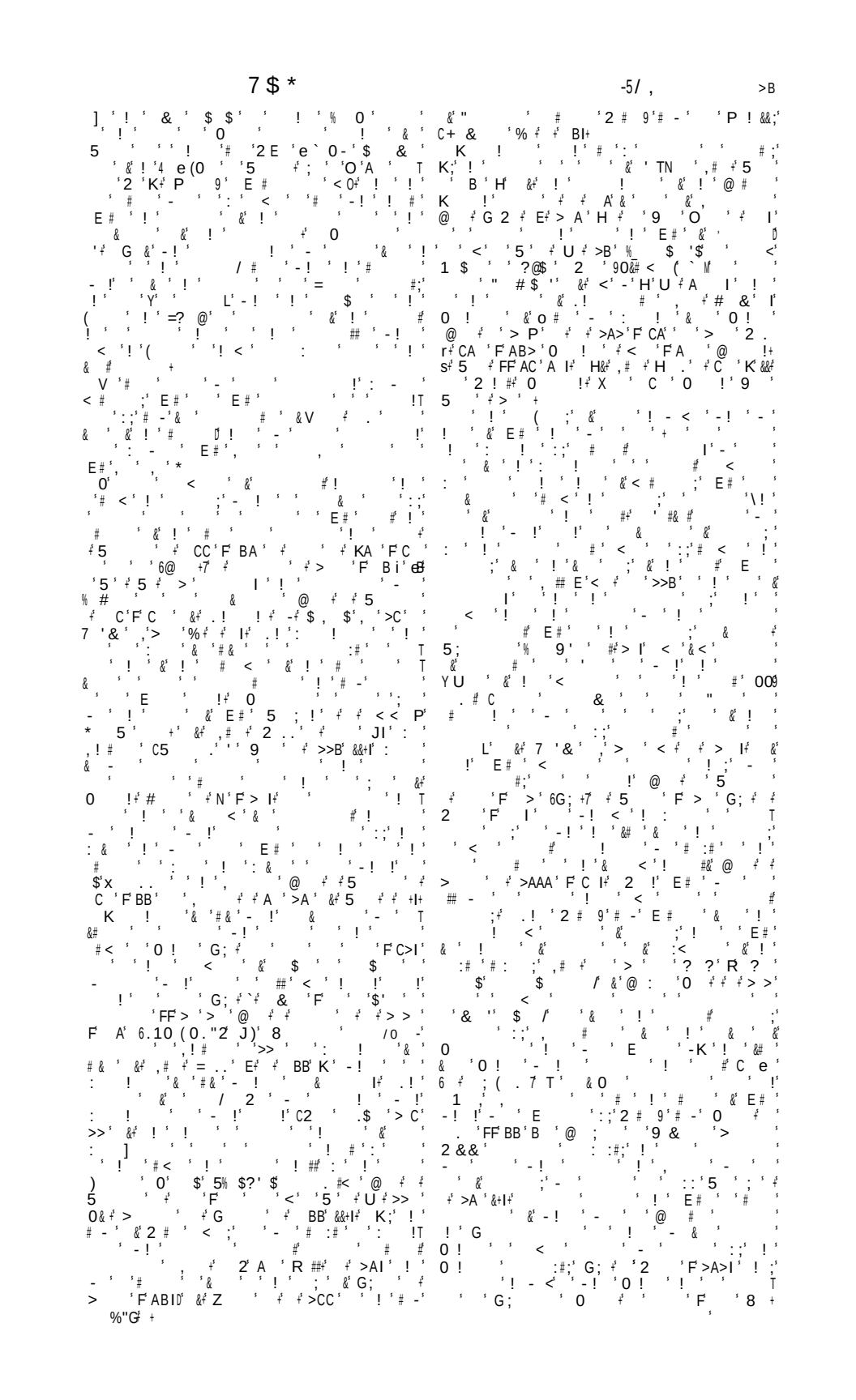
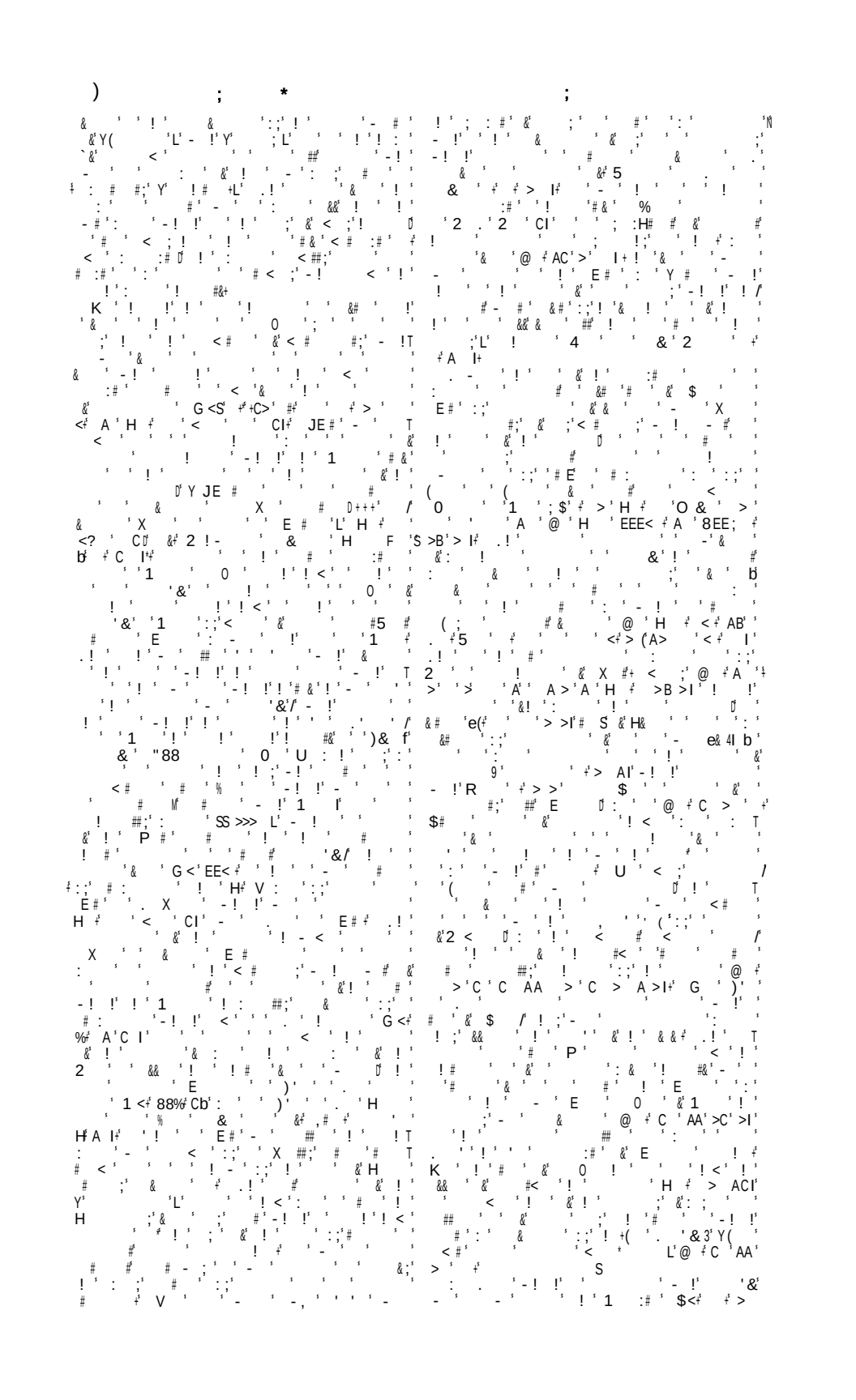








iv. 4, xl. 41; Cic. *pro P. Sextio*, 12)—and instances of which occur in Sueton. *Aug.* 16, *Tib.* 50; Tac. *Ann.* iii. 17, 68; Suet. *Claud.* 23—was a slighter punishment, appearing in two forms. A person might be forbidden to live at Rome or any other specific place, or an island or some other confined spot might be assigned to him for his residence (Dig. 48, 22, 7, pr. &c.), and this either for a definite or an indefinite time (Dig. *ib.* 7, 2): the penalty might be awarded by the emperor, the senate, the two praefects and the provincial governors, but not by the consuls (*ib.* 14, 2). The *relegatus* retained his *civitas*, and so did not undergo *capitis deminutio:* "relegati in insulam in potestate sua liberos retinent, quia et alia omnia jura sua retinent: tantum enim insula eis egredi non licet" (Dig. *ib.* 4), nor was his property forfeited except by special direction of the judge by whom he was condemned (*ib.* 1, 4), and such forfeiture, whether total or partial, was allowed only in cases of perpetual relegation (Dig. *ib.* 7, 4). How essentially different this form of banishment was from genuine *exsilium* is shown by Ovid (*Trist.* v. 11), who describes himself not as *exsul*, which he considers a term of reproach, but as *relegatus*. Speaking of the emperor, he says—

"Nec vitam, nec opes, nec jus mihi civis ademit;"

and a little further on—

"Nil nisi me patriis jussit abire focis."

Cf. also *Trist.* ii. 127, &c. But by the later writers a wider meaning was given to the term *exsilium*, by which it was made to include *relegatio* as well as *deportatio* and *aquae et ignis interdictio*. Thus Marcianus says in Dig. 48, 22, 5, "Exsilium triplex est: aut certorum locorum interdictio, aut lata fuga, ut omnium locorum interdicatur praeter certum locum, aut insulae vinculum, id est relegatio in insulam:" and Paulus (*Sent. rec.* 5, 17, 3) speaks of deportatio as one of the punishments for *mediocria delicta*, while among the *minimae poenae* are *relegatio* and *exsilium*. [J. B. M.]

EXTISPEX. [HARUSPEX.]

EXTRAORDINA'RII. [EXERCITUS, p. 787 *a*.]

F.

FABATA'RIUM, a vessel, in which a kind of bean soup (*puls fabacea*, Macrob. i. 12, *med.*) was probably served (Lamprid. *Heliog.* 20). [W. S.]

FABRI are workers in wood, stone, or metal, as *fabri tignarii*, carpenters, *fabri aerarii*, smiths, &c. The workshop was called *fabrica* (Ter. *Ad.* iv. 2, 45; Cic. *N. D.* iii. 22, 55), the name also given to the trade or art of a faber (Cic. *N. D.* ii. 13, 35). The different trades were said to have been divided by Numa (Plut. *Numa*, 17) into nine collegia, which correspond to our companies or guilds. In the constitution of Servius Tullius, the *fabri tignarii* (τέκτονες, Orelli, *Inscrip.* 60, 417, 3690, 4086, 4088, 4184) and the *fabri aerarii* or *ferrarii* (χαλκοτύποι) were formed into two centuries, which were called the "centuriae *fabrum*," and not *fabrorum*. (Cic. *Orat.* 46, 156.) They did not belong to any of the five classes into which Servius divided the people; but the *fabri tignarii* probably voted with the first class, and the *fabri aerarii* with the second. Livy (i. 43) and Dionysius (vii. 59) name both the centuries together: the former says that they voted with the first class; the latter, that they voted with the second. Cicero (*de Rep.* ii. 22) names only one century of fabri, which he says voted with the first class; but as he adds the word *tignariorum*, he must have recognised the existence of the second century, which we suppose to have voted with the second class. (Göttling, *Gesch. der röm. Staatsv.* p. 249.)

The fabri or engineers in the army were under the command of an officer called *praefectus fabrum*. (Caes. *ap.* Cic. *ad Att.* ix. 8, *Bell. Civ.* i. 24; Veget. ii. 9 ff.) Vegetius asserts that there was a praefectus fabrum attached to each legion; and this may have been the case. No genuine inscriptions, however, contain the title of praefectus fabrum with the name of a legion added to it. Hence it is more probable that he was the engineer-in-chief to the army as a whole. It was the duty of the fabri not only to repair damaged armour, and to construct and keep in good order the usual siege-material, but also to build bridges, and even to superintend mining operations. Hence the praefectus fabrum held an office of the highest trust and importance (Cic. *Balb.* 28, 63). There were also civil officers at Rome and in the municipal towns, called praefecti fabrum; but we know nothing respecting them beyond their name. Thus we find PRAEF. FABR. ROMAE, PRAEFECTUS FABR. (Wilmanns, 1864); ROMAE ET TERGESTE (*ib.* 1624). The subject of the praefecti fabrum is discussed with great accuracy in a letter of Hagenbuchius, published by Orelli (*Inscript.* vol. ii. p. 95, &c. Cf. Borghesi, *Oeuvres*, v. p. 206 ff.; Mommsen in *Hermes*, i. 60). [W. S.] [A. S. W.]

FA'BULA. [COMOEDIA.]

FACTIO'NES AURIGA'RUM. [CIRCUS, p. 438 *b*.]

FACTOR. [PILA.]

FACTO'RIUM, an oil-press (Pallad. xi. 10, 1), so called from the *factor*, who pressed the olives (Cat. *R. R.* 64, 1; 66, 1). The name *factum* was given to the oil pressed out at one making (Varr. *R. R.* i. 24, 3). [W. S.]

FALA or PHALA. 1. A wooden structure, of considerable height, used in sieges, from which missiles were thrown (Fest. p. 98, 12; Ennius, *ap.* Non. p. 114, 7).

2. *Phalae* are mentioned by Juvenal (vi. 590) along with the *columnae delphinorum* in the circus. Hence they are supposed by some writers to be columns in the *spina* of the circus, supporting the *ova*, as similar columns supported the dolphins. [See CIRCUS, p. 434 *b*, and the cut on p. 435.] But Servius (*ad* Verg. *Aen.* ix. 705) says they were towers on which fights took place, erected between the euripus and the metae; and they were probably movable towers used in the sham fights of the Circus. [W. S.]

FALA'RICA. [HASTA.]

FA'LCULA. [FALX.]

FALSA'RIUS. [FALSUM.]

FALSUM. The crime of falsum is not

defined by Roman legal writers, but it consisted of acts of fraud which were injurious to *fides publica*, such as forgery, counterfeiting money, and perverting the course of justice by fraud and perjury. The oldest legislative provisions at Rome against any acts of this description are those of the Twelve Tables, to the effect that a person who gave false testimony should be thrown from the Tarpeian rock (Gell. xxi. 53), and that a judge who took a bribe should be liable to capital punishment (Gell. xxi. 7); but there were trials for false testimony before the enactment of the Twelve Tables (Liv. iii. 24, 25, 29; iv. 21). The next legislation in falsum, so far as we know, was contained in one of the Leges Corneliae passed in the time of the Dictator Sulla, which was divided, according to Cicero, into two heads, the Lex testamentaria and the Lex numaria (*in Verr.* ii. 1, 42), with reference to the two species of the crime the statute was directed against. Cicero states that this lex did not create any new offence, but instituted a *quaestio ad populum* for what had always been a crime. Paulus, who gives its provisions, entitles it Lex Cornelia testamentaria: it is also known by the more general title Lex Cornelia de falsis.

The Lex Cornelia appears to have only included two specific kinds of falsum: (1) forgery and suppression of wills, and (2) adulteration of the coinage.

1. In respect of the first of these, Paulus, citing to some extent the very words of the statute, says, A person is liable under the Lex Cornelia testamentaria "qui testamentum quodve aliud instrumentum falsum sciens dolo malo scripserit, recitaverit, subjecerit, suppresserit, amoverit, resignaverit, deleverit, quive signum adulterinum sculpserit, fecerit, expresserit, amoverit, reseraverit;" and (2) in respect of adulteration of the coin, he says, "quive nummos aureos, argenteos adulteraverit, laverit, conflaverit, raserit, corruperit, vitiaverit." (Paul. 5, 25, 1; Digest (Paulus), 48, 10, 2.) Mr. Justice Stephen (*Hist. of Crim. Law*, ch. ii.) compares with this statement of the law the language of English statutes:—(1) 24 & 25 Vict., c. 98, s. 2, "Whoever with intent to defraud (*dolo malo*) shall forge or alter (*interleverit*), or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any will, testament, codicil, or testamentary instrument." "The 24 & 25 Vict. c. 96, s. 29," he adds, "makes it penal to cancel (*deleverit*), obliterate or conceal (*celaverit*), any will," &c. And (2) the 24 & 25 Vict., c. 99, s. 4, declares anyone subject to punishment who shall "impair, diminish, or lighten any of the Queen's gold or silver coin," and s. 3, "whosoever shall gild, or shall with any wash or materials capable of producing the colour or appearance of gold, wash (*laverit*), case over, or colour any piece of gold or silver."

An offence against either branch of this law was a *crimen publicum*, and was under the cognizance of a standing *quaestio*. The punishment of falsum under the law (at least when Paulus wrote) was *deportatio in insulam* for the "honestiores," and the mines, crucifixion, or other degrading punishment for the "humiliores." In place of *deportatio in insulam* the punishment, according to the statute itself, was probably the old form of banishment, known as *ignis et aquae interdictio*. The property of a convicted person was confiscated.

The penalty of the Lex Cornelia was extended by piecemeal legislation to cases not comprised in the lex, but of a similar kind. This supplementary law is sometimes referred in legal treatises to the Lex Cornelia, as if it had been an original part of that law. Thus, according to Paulus, in the passage we have cited at length, the Lex Cornelia applied to any instrument as well as a will: but it appears from Ulpian that this was a subsequent addition made to the lex by a senatusconsultum which was passed in the consulship of T. Statilius Taurus and L. Scribonius Libo (A.D. 16). (*Mos. et Rom. Leg. Coll.* viii. 7; Tac. *Ann.* xix. 40, 41.) The instrument fabricated or falsified might be either public or private, as *e.g.* a rescript or edict of the emperor, an account book, or an instrument of sale.

Persons guilty of falsifying documents are called *falsarii*. As a precaution against such persons, it was enacted in the time of Nero that *tabulae* or written contracts should be pierced with holes and a triple thread passed through the holes, in addition to the signature. (Sueton. *Ner.* c. 17; Paul. v. 25, 6.) In the time of Nero it was also provided that the first two parts (*cerae*) of a will should have only the testator's signature, and the remaining one those of the witnesses. Likewise, in order to prevent fraud, it was enacted under the Emperor Claudius that a person who was employed by a testator to write a will should be liable to the penalty of the Lex Cornelia, if he inscribed a legacy to himself, although he did so at the dictation of the testator. (Cod. ix. 23, 3. Suetonius, *Ner.* c. 17, attributes this law to Nero.) The Lex de Falsis was further extended to fraudulent assumptions of names and rank, and to false pretences, as in the case of a contract to sell a thing to a person, when the vendor had already to sell the same thing to someone else. The *crimen falsi* was also made to include perjury, the corruption of judges, and other kindred offences. By a senatusconsultum in the fourteenth year of Tiberius, the penalties of the law were extended to those who for money undertook to maintain causes, or to procure testimony; and by a senatusconsultum passed somewhat earlier, conspiracies for the ruin of innocent persons were comprised within the limits of the law. It may be noticed in this connexion that by the Lex Cornelia de sicariis the causing the death of a man by bearing false witness against him had been made subject to an *internecici judicium* (Isidor. v. 25, 17, x. 149; cf. Rudorff, *Rechtsgesch.* § 35, A. 7).

According to Paulus (v. 25, 1), the refusal to accept in payment genuine coin stamped with the head of the princeps was on the same footing as the adulteration of the coinage, though in this case the element of fraud seems wanting. Arrian refers to the fact of such refusal of payment being illegal (*Epict.* 3, 3). The use of false measures and weights was punished as falsum. It appears from numerous passages in the Roman writers that the crime of falsum in its different forms was very common, and especially in the case of wills (cf. *e.g.* Cic. *pro*

Cluent. 44, 125; *Phil.* xiv. 3, 7; *de Off.* iii. 18, 73; Juv. *Sat.* i. 37; Plin. *Ep.* ii. 20). (Paul. iv. 7, §§ 1, 2, v. 25; Dig. 48, 10; Inst. iv. 18, 7; Cod. 9, 22 and 23; Heinecc. *Syntag.* iv. 18, 63; Rein, *Das Criminalrecht der Römer*, 774, &c.; Rudorff, *Rechtsg.* ii. § 116; Geib, *Crim. Recht*, i. 53–55; Stephen, *Hist. of Criminal Law*, i. p. 20.) [E. A. W.]

FALX, *dim.* **FA'LCULA** (ἅρπη, κοπίς, δρέπανον, *poet.* δρεπάνη, *dim.* δρεπάνιον), a sickle; a scythe; a pruning-knife, or pruning-hook; a *bill*; a falchion; a halbert.

As CULTER denoted a knife with one straight edge, "falx" signified any similar instrument, the single edge of which was curved. (Δρέπανον εὐκαμπές, Hom. *Od.* xviii. 368; *curvae falces*, Verg. *Georg.* i. 508; *curvamine falcis aenae*, Ovid, *Met.* vii. 227; *adunca falce*, xiv. 628.) By additional epithets the various uses of the falx were indicated, and its corresponding varieties in form and size. Thus the sickle, because it was used by reapers, was called *falx messoria;* the scythe, which was employed in mowing hay, was called *falx fenaria;* the pruning-knife and the bill, on account of their use in dressing vines, as well as in hedging and in cutting off the shoots and branches of trees, were distinguished by the appellation of *falx putatoria, vinitoria, arboraria*, or *silvatica* (Cato, *de Re Rust.* 10, 11; Pallad. i. 43; Colum. iv. 25), or by the diminutive *falcula* (Colum. xii. 18).

A rare coin published by Pellerin (*Méd. de Rois*, Par. 1762, p. 208) shows the head of one of the Ptolemies, and on the reverse a man cutting down corn with a sickle. (See woodcut.)

Falx. 1. From a coin. 2. From a MS. of Columella.

The lower figure in the same woodcut is taken from the MSS. of Columella, and illustrates his description of the various parts of the *falx vinitoria* (*de Re Rust.* iv. 25). [CULTER.] The curvature in the fore part of the blade is expressed by Virgil in the phrase *procurva falx* (*Georg.* ii. 421). After the removal of a branch by the pruning-hook, it was often smoothed, as in modern gardening, by the chisel. (Colum. *de Arbor.* 10.) [DOLABRA.] The edge of the falx was often toothed or serrated (ἅρπην καρχαρόδοντα, Hesiod, *Theog.* 175, 179; *denticulata*, Colum. *de Re Rust.* ii. 21). The indispensable process of sharpening these instruments (ἅρπην χαρασσεμέναι, Hesiod, *Op.* 573; ἅρπην εὐκαμπῆ νεοθηγέα, Apoll. Rhod. iii. 1387) was effected by whetstones which the Romans obtained from Crete and other distant places, with the addition of oil or water which the mower (*fenisex*) carried in a horn upon his thigh (Plin. *H. N.* xviii. § 261).

Numerous as were the uses to which the falx was applied in agriculture and horticulture, its employment in battle was almost equally varied, though not so frequent. The Geloni were noted for its use (Claudian, *de Laud. Stil.* i. 110). It was the weapon with which Jupiter wounded Typhon (Apollod. i. 6); with which Hercules slew the Lernaean Hydra (Eurip. *Ion*, 192); and with which Mercury cut off the head of Argus (*falcato ense*, Ovid, *Met.* i. 717; *harpen Cyllenida*, Lucan, ix. 661–667). Perseus, having received the same weapon from Mercury, or, according to other authorities, from Vulcan, used it to decapitate Medusa and to slay the sea-monster (Apollod. ii. 4; Eratosth. *Catast.* 22; Ovid, *Met.* iv. 666, 720, 727, v. 69; Brunck, *Anal.* iii. 157 = *Anth. Pal.* xi. 52). From the passages now referred to, we may conclude that the falchion was a weapon of the most remote antiquity; that it was girt like a dagger upon the waist; that it was held in the hand by a short hilt; and that, as it was in fact a dagger or sharp-pointed blade, with a proper falx projecting from one side, it was thrust into the flesh up to this lateral curvature (*curvo tenus abdidit hamo*). In the following woodcut, four examples are selected from works of ancient art to illustrate its form. One of the four cameos

Falx. (From cameos.)

here copied represents Perseus with the falchion in his right hand, and the head of Medusa in his left. The two smaller figures are heads of Saturn with the falx in its original form; and the fourth cameo, representing the same divinity at full length, was probably engraved in Italy at a later period than the others, but early enough to prove that the scythe was in use among the Romans, while it illustrates the adaptation of the symbols of Saturn (Κρόνος: *senex falcifer*, Ovid, *Fast.* v. 627; *Ibis*, 216) for the purpose of personifying Time (Χρόνος).

If we imagine the weapon which has now been described to be attached to the end of a pole, it would assume the form and be applicable to all the purposes of the modern halbert. Such

must have been the *asseres falcati* used by the Romans at the siege of Ambracia (Liv. xxxviii. 5; cf. Caes. *B. G.* vii. 22, 86; Q. Curt. iv. 19). Sometimes the iron head was so large as to be fastened, instead of the ram's head, to a wooden beam, and worked by men under a testudo (Veget. iv. 14).

Lastly, the Assyrians, the Persians, the Medes, and the Syrians in Asia (Xen. *Cyrop.* vi. 1, § 30, 2, § 7; *Anab.* i. 8, § 10;—Diod. ii. 5, xvii. 53; Polyb. v. 53; Q. Curt. iv. 9, 12, 13; Gell. v. 5; 2 Macc. xiii. 2; Veget. iii. 24; Liv. xxxvii. 41), and the Gauls and Britons in Europe [COVINUS], made themselves formidable on the field of battle by the use of chariots with scythes, fixed at right angles (εἰς πλάγιον) to the axle and turned downwards; or inserted parallel to the axle into the felly of the wheel, so as to revolve, when the chariot was put in motion, with more than thrice the velocity of the chariot itself; and sometimes also projecting from the extremities of the axle. [J. Y.]

FAMI'LIA, in Old Latin *famelia*, in Oscan *famelo*, in Umbrian *famedia*, is probably in its original sense a body of persons belonging to a house, a household (Osc. *faa-ma* = house, Sanskr. *dhā* = to settle, *dhāman* = settlement). The etymology of Festus (s. v. *famuli*), deriving *familia* from the Oscan *famel*, meaning "a slave," is now commonly rejected; and the view of Corssen (Kuhn, *Zeitsch. f. verg. Sprach.* ii. 292), that the fundamental conception of the word is "inheritance," "property," has met with little favour. (Voigt, *XII. Tafeln*, ii. § 72, n. 3; Rossbach, *Röm. Ehe*, A. 42; Curt. *Gr. Etym.* p. 228.) The adjective *familiares* and the substantive *famuli* signify generally the members belonging to a house (Festus, s. v. *familiaris*; Paul. Diac. 86, 16), though the latter word came to denote the slaves of a familia or household. The Latin word for the house or homestead, which was the principal family possession, is *domus*; and the combination *domus familiaque*, for which *familia pecuniaque* was substituted, designates the family in respect of its *familiares* or members, and in respect of its dwelling-place with the property attached to it (Voigt, *l. c.*). The meaning of the word *familia*, which appears to have originally included only the group of *familiares*, was extended so as to comprehend all that is subject to the *manus* or control of a paterfamilias, both free persons, slaves and other objects of property, in this sense corresponding to the Greek *οἶκος*. But the word has generally narrower significations ("familiae—appellatio et in res et in personas diducitur," Dig. 50, 16, 195, § 1). Thus it sometimes means "property;" that is to say, property "as an adjunct or appendage of a household," as *e.g.* in the phrase *familiae erciscundae judicium* and in the connexion of words *ex Cassia familia datum* (Liv. ii. 8, xv. 41).

The Greek *οἶκος* has a similar sense, and we may perhaps also compare the use of *familia* in the writings of Bede as equivalent to the Anglo-Saxon word *hýd*, which probably means the quantity of land appropriated to a family (Earle, *Land Charters*, p. 457). In the description of the mancipative will given by Gaius (ii. 102) the word *familia* is explained by the equivalent *patrimonium*, and the person who received the succession from the testator by mancipation ("qui a testatore familiam accipiebat mancipio") was called *familiae emptor*. It is to be noticed that in the formula adopted by the *familiae emptor*, when he took the testator's estate by a fictitious sale, the word *pecunia* is coupled with *familia*, "Familia pecuniaque tua endo mandatelam custodelamque" (Gaius, ii. 104: cf. Cic. *de Inv.* ii. 50, 148; *de Leg.* iii. 3, 7; Sueton. *Nero*, 4), *familia* probably meaning the family and *pecunia* the property. Various interpretations, however, of the words *familia pecuniaque* in this passage have been proposed. Kuntze (*Excurs.* 107) maintains, though without sufficient ground, that *familia* comprises res mancipi of the testator, and *pecunia* res nec mancipi. Rudorff (*Recht der Vormundsch.* i. 168, A. 3) suggests that *familia* signifies the slaves and *pecunia* cattle (*pecus*). Another conjecture is that *familia* is the property that was originally inalienable, and *pecunia* alienable chattels.

In the passage of the Twelve Tables which declares that in default of any *suus heres* the succession of the deceased shall go to the next agnatus, the word *familia* signifies the succession "agnatus proximus familiam habeto."

Familia sometimes signifies only persons; that is, all those who are in the power of a head of a family, such as descendants, and slaves who were not only objects of dominion, but also in a sense objects of potestas. In another sense *familia* denotes only the free persons who are in the power of a paterfamilias, including natural and adoptive descendants and the wife in her husband's manus. In a more extended sense *familia* includes all those who are connected by agnation; that is, all who are sprung or who are supposed to be sprung from an ascertained common ancestor, and would be in his power if he were living. With this sense of *familia* is connected the *status familiae*, by virtue of which a person belonged to a particular *familia*, and thereby had a capacity for certain rights which only the members of a *familia* could claim. A person who changed this status ceased to belong to the *familia*, and sustained a *capitis deminutio minima*. [ADOPTIO; CAPUT.] Members of the same *familia* were *familiares*, and hence *familiaris* came to signify an intimate friend.

Familia was properly the civil family connected by subjection to patria potestas or by agnation, not the natural family connected only by cognation; but *familia* is sometimes used to signify a natural family. The extent of the terms *agnati* and *cognati* and their legal import are explained under COGNATI.

The word *familia* may be equivalent to *gens*, which comprehended a group of agnatic *familiae*. The relation of the agnatic *familia* and *gens* is explained under GENS.

Familia is frequently used to signify only the slaves belonging to a head of a family (Cic. *ad Fam.* xiv. 4; *ad Quint. fr.* ii. 6). Slaves who belonged to the same *familia* were called, with respect to this relation, *familiares*. Generally *familiaris* might signify anything relating to a *familia*, e.g. *familiaria sacra*.

The head of a *familia* or household, known originally as *esus* or *erus* (Voigt, *XII. Tafeln*, ii. § 179, n. 9), was a Roman citizen who was *sui juris*. As master of his house (*domus*) and its

belongings he was *dominus*; as governor of the *familiares* or members of the household, he was *paterfamilias*. His wife, subject to his manus, was *materfamilias* or house-mother. [MATRIMONIUM.] A *filius-* or *filia-familias* was a male or female descendant in the power of a paterfamilias. The legal incapacities of *filius-* and *filia-familias* and a wife *in manu* may be most appropriately considered under PATRIA POTESTAS.

Familia has also the meaning of a body of persons united in a society for a particular purpose: thus it is applied to a school of philosophers, *e.g.* familia Peripateticorum (Cic. *Div.* ii. 1, 3), to a school of gladiators, and to a corps of recruits. In a sense still more remote from the original, it is sometimes applied to signify a man's living, a man's means of subsistence (Ter. *Heauton.* v. 36). (Savigny, *System des heutigen röm. Rechts*, i. pp. 345, 356; Voigt, *Das Civil- und Criminalrecht der XII. Tafeln*, ii. § 72; Rollet, *De la Famille et la Propriété sous la loi des XII. Tabl.*; Schupfer, *La Famiglia secondo il Diritto Romano*; Muirhead, *Introduction to Law of Rome*, ch. iii.; Maine, *Ancient Law*, chaps. v. and vi.; Roby, *Introduction to the Digest*, p. 48.) [E. A. W.]

FAMI'LIAE ERCISCUNDAE JUDI'CIUM. When several heredes succeeded to an inheritance, whether under a will or by title of intestacy, they held together in common according to the respective shares each might be entitled to. The unity of estate which existed between them could, however, be put an end to by partition. Every heres was entitled to a division of the hereditas, unless the testator had declared, or the co-heredes had agreed, that it should remain in common for a fixed time. The division could be made by agreement among the co-heredes, but in case they could not agree the division was made by compulsory process. For this purpose every heres had against each of his co-heredes a judicium or *actio familiae erciscundae*, which, like the *judicia communi dividundo* and *finium regundorum*, was of the class of *mixtae actiones*, or, as they are sometimes called, *duplicia judicia*, because each heres was both plaintiff and defendant (*actor* and *reus*), though he who commenced the proceedings and claimed an award (*ad judicium provocavit*) was to this extent in the position of plaintiff. This action was given by the Twelve Tables. It was the duty of the *arbitri*, who were appointed by the magistrate for the purpose, to divide the *familia*, which here signifies the property or hereditas as explained in the previous article. The property to be divided consisted of everything which belonged to the succession, with the exception of claims and debts, which by the law of the Twelve Tables were otherwise apportioned (Dig. 10, 2, §§ 5–14;—Cod. 2, 3, 6; 3, 36, 6). The heredes were bound to bring in property of their own to be divided, which they had received from the deceased in his lifetime, as part of their share of the inheritance [BONORUM COLLATIO]. It was the duty of the *arbitri* to divide the inheritance into lots (*partes divisae*), and formally to award each lot to the several parties, according to their respective interests. The judicial award (*adjudicatio*) thus made could not be disputed in any subsequent proceedings. From the joint ownership of co-heredes obligations might arise between them which could be enforced by this action. Thus one heres was answerable to another for injury to the joint property. A co-heres was bound to account for any profit he had made from the inheritance, and could claim to be indemnified for any necessary expenses he had been put to in respect of it.

Erctum ciere is the technical term for the *provocatio ad judicium* in this action, which was expressed in a solemn form of words. (Cic. *Or.* i. 56, 237; Quint. *I. O.* vii. 3, 13; Paul. Diac. 82, 16; Festus, p. 82; Gell. i. 9: cf. Roby, *Introd. to Digest*, p. 50.)

The origin of the root *erc* or *herc* is uncertain (cf. Roby, *op. cit.*; Corssen, *Krit. Beitr.* 39 f.; *Beitr. zur ital. Sprachkunde*, 113). It seems, however, that the word means to divide (Gaius, ii. 219). (Dig. 10, 2; Cod. iii. 36, 38; Voigt, *Die XII. Tafeln*, § 127; Windscheid, *Pandekten*, § 608; Rosshirt, *Testam. Erb.* ii. § 135; Heimbach in Weiske's *Rechtslex.* s. v.) [E. A. W.]

FAMO'SI LIBELLI. [LIBELLUS.]

FANA'TICI. [FANUM.]

FANUM is any locality consecrated by the pontiffs, and is derived by the ancients from *fari*, because the *pontifices in sacrando fati sunt finem* (Varr. *L. L.* vi. 54; Fest. pp. 88, 93). It was a consecrated spot, whether a building was erected upon it or not. Thus we find *fanum* applied to a piece of ground upon which an *aedes* was afterwards built (Liv. v. 50, 2; x. 37, 15), and the word was often used to signify both the consecrated ground and the temple built upon it [TEMPLUM]. The consecrated places in the forum, where the couches of the gods were placed in the *lectisternium* [LECTISTERNIUM], were also called *fana*, in reference to which the phrase *fana sistere* was used (Fest. p. 351). Even a tree struck by lightning was deemed a *fanum* (Fest. p. 92). Everything not consecrated — that is, not a *fanum*—was considered *profanum* (Fest. p. 263; Macrob. iii. 3, 3); and a *res fanatica* might, in accordance with the Pontifical law, be again made into a *res profana* by certain ceremonies (Macrob. iii. 3, 4; Serv. *ad* Verg. *Aen.* xii. 779; Liv. xxxi. 44). (Marquardt, *Röm. Staatsverw.* iii. p. 145.)

Fanatici, properly speaking persons belonging to a *fanum*, were more specifically priests of the goddess of Comana in Cappadocia, whose worship was introduced into Rome under the name of Bellona. They performed the worship with wild and frantic rites, whence the word *fanaticus* obtained its secondary meaning, and has passed into modern languages. They are mentioned in inscriptions under the name of *fanatici de aede Bellonae Pulvinensis* (*C. I. L.* vi. n. 490, 2232, 2235; cf. "fanaticus oestro percussus, Bellona, tuo," Juv. iv. 123). They were also called *Bellonarii* (Acro *ad* Hor. *Sat.* ii. 3, 223). In celebrating the festival of the goddess they marched through the city in dark clothes, with wild cries, blowing trumpets, beating cymbals and drums, and in the temple inflicting wounds upon themselves, the blood from which they poured out as an offering to the goddess (Tibull. i. 6, 43 *seq.*; Hor. *Sat.* ii. 3, 223; Juv. vi. 511; Mart. xi. 84, 3, xii. 57, 11; Lucan, i. 565; Lamprid. *Commod.* 9; Sen. *de Vit. Beat.* 27; Tertull. *Apol.* 9, *de Pall.* 4; Lact. *Inst.* i. 21, 16).

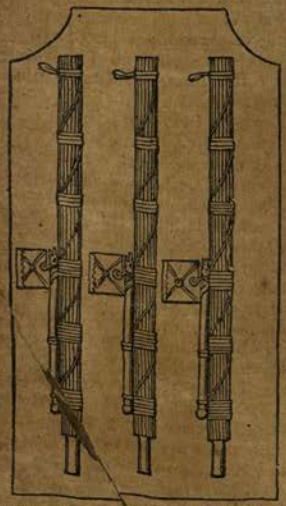
Fanatici was also the name given to the priests of Isis (*C. I. L.* vi. n. 2234) and Cybele (Juv. ii. 112; Prudent. *Peristeph.* x. 1061), who celebrated their worship with similar orgiastic rites. [CORYBANTES.] (Marquardt, *op. cit.* iii. 75.) [W. S.]

FA'RREUM. [MATRIMONIUM.]

FARTOR (σιτευτής) was a slave who fattened poultry. (Colum. viii. 7, § 1; Hor. *Sat.* ii. 3, 228; Plaut. *Truc.* i. 2, 11.) This form of table luxury was early known to the Greeks, who called such birds σιτευτὰ or σιτιστά (Epigenes *ap.* Ath. ix. p. 384 a = *fr.* 2 M.; other quotations *ap.* Ath. xiv. p. 656 e, &c.). For the *foies gras* of ancient times, cf. Hor. *Sat.* ii. 8, 88; Juv. v. 114, with Mayor's note: and on the feeding of *altiles* among the Romans, AGRICULTURA, pp. 78–80; Marquardt, *Privatl.* 415. Donatus (*ad* Terent. *Eun.* ii. 2, 26) says that the name was given to a maker of sausages, and Orellius (on Hor. *Sat.* ii. 3, 228) prefers this explanation; but comp. Becker-Göll, *Gallus*, iii. p. 369. The name of fartores or *crammers* was given in jest to the *nomenclatores*, who accompanied the candidates for the public offices at Rome, and privately prompted them with the voters' names (Fest. p. 88). [W. S.] [W. W.]

FAS. [FASTI; JUS.]

FASCES were rods bound together by a red thong in the form of a bundle, and containing an axe (*securis*) in the middle, the iron of which projected from them. See the following cut, from a relief at Rome. These rods were carried

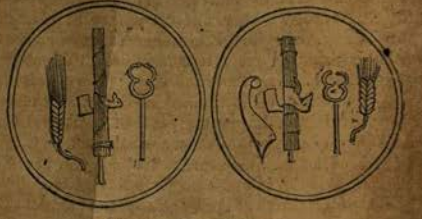


Fasces. (From the original in the Capitol at Rome.)

by lictors before the superior magistrates at Rome, and are often represented on the reverse of consular coins. The following cuts give the reverses of four consular coins; in the first of which we see the lictors carrying the fasces on their shoulders; in the second, two fasces, and between them a sella curulis; in the third, two fasces crowned with laurel, with the consul standing between them; and in the fourth, the fasces, only with no crowns around the

Fasces on Consular coins.

The next two cuts, taken from the consular coins of C. Norbanus, contain in addition to the fasces—the one a spica and caduceus, and the other a spica, caduceus, and prora.



Fasces on Consular coins.

The fasces appear to have been in later times made of birch (*betulla*, Plin. *H. N.* xvi. § 75), but in earlier of the twigs of the elm (Plaut. *Asin.* iii. 2, 29; ii. 3, 74). They are said to have been derived from Vetulonia, a city of Etruria (Sil. Ital. viii. 485; cf. Liv. i. 8); but for this there is no real authority (cf. Schwegler, *Röm. Gesch.* i. 278, 581, 671). Twelve were carried before each of the kings by twelve lictors; and on the expulsion of the Tarquins, one of the consuls was preceded by twelve lictors with the fasces and secures, and the other by the same number of lictors with the fasces only, or, according to some accounts, with crowns round them. (Dion. Hal. v. 2.) But P. Valerius Publicola, who gave to the people the right of provocatio, ordained that the secures should be removed from the fasces, and allowed only one of the consuls to be preceded by the lictors while they were at Rome. (Cic. *de Rep.* ii. 31; Valer. Max. iv. 1, § 1.) The other consul was attended only by a single accensus [ACCENSUS]. When they were out of Rome, and at the head of the army, each of the consuls retained the axe in the fasces, and was preceded by his own lictors. (Dion. Hal. v. 19; Liv. xxiv. 9, xxviii. 27.)

When the decemviri were first appointed, the fasces were only carried before the one who presided for the day (Liv. iii. 33); and it was not till the second decemvirate, when they began to

act in a tyrannical manner, that the fasces with the axe were carried before each of the ten. (Liv. iii. 36.) The fasces and secures were, however, carried before the dictator even in the city (Liv. ii. 18): he was preceded by twenty-four lictors, and the magister equitum by six.

The praetors were preceded in the city by two lictors with the fasces (Censorin. *de Die Natal.* 24, 3; Cic. *de Leg. Agr.* ii. 34, 93); but out of Rome and at the head of an army by six, with the fasces and secures, whence they are called by the Greek writers στρατηγοὶ ἑξαπελέκεις. (Appian, *Syr.* 15; Polyb. ii. 24, § 6, iii. 40, § 9, 106, § 6.) The proconsuls also were allowed, in the time of Ulpian, six fasces (Dig. 50, 16, 14). The tribunes of the plebs, the aediles and quaestors, had no lictors in the city (Plut. *Quaest. Rom.* 81; Gell. xiii. 12), with the exception of the aedile who acted as *judex quaestionis inter sicarios* (Cic. *Cluent.* 53, 147); but in the provinces the quaestors pro praetore were permitted to have the fasces (Cic. *pro Planc.* 41, 98).

The lictors carried the fasces on their left shoulders, as is seen in the coin of Brutus given above; and when an inferior magistrate met one who was higher in rank, the lictors lowered their fasces to him. This was done by Valerius Publicola, when he addressed the people (Cic. *de Rep.* ii. 31, 53; Liv. ii. 7; Val. Max. iv. 1, § 1); and hence came the expression *submittere fasces* in the sense of to yield, to confess oneself inferior to another (Cic. *Brut.* 6, 22).

When a general had gained a victory, and had been saluted as Imperator by his soldiers, his fasces were always crowned with laurel. (Cic. *ad Att.* viii. 3, § 5, *de Div.* i. 28, 59; Caes. *Bell. Civ.* iii. 71.) [LICTOR.] [W. S.]

FA'SCIA, *dim.* FASCIOLA (ταινία, ἀπόδεσμος), any long narrow strip of cloth employed as a bandage. 1. A band worn round the head as an ensign of royalty (Suet. *Jul.* 79; Sen. *Ep.* 80, § 10) [DIADEMA; first cut to FALX].

2. A band worn by women round the chest for the improvement of the figure (Terent. *Eun.* ii. 3, 23; Propert. v. 9, 49; Ov. *A. Am.* iii. 276, 622; Sen. *fr.* 83, Haase; *Fascia Pectoralis*, Mart. xiv. 134). [STROPHIUM.]

3. A band worn round the legs and shins, a kind of stocking: hence called *fasciae crurales* (Dig. 34, 2, 25) and *tibiales* (Suet. *Aug.* 82). That such bandages also covered the feet is clear from the epithet of *fasciae pedules* (Dig. 34, 2, 26). Cicero reproached Clodius with effeminate habits for wearing purple fasciae upon his feet, and the CALAUTICA, a female ornament, upon his head (*de Har. Resp.* 21, § 44; *Fragm. Or. in Clod. et Cur.*; cf. Non. p. 537). Afterwards, when the toga had fallen into disuse, and the shorter pallium was worn in its stead, so that the legs were exposed, *fasciae crurales* became common even with the male sex. (Hor. *Sat.* ii. 3, 255; Val. Max. vi. 2, § 7; Grat. *Cyneg.* 338; Petron. c. 46.) The Emperor Alexander Severus always wore both fasciae and bracae (Lamprid. *Al. Sev.* 40), even although, when in town, he wore the toga. Quintilian, nevertheless, insists that the adoption of them could only be excused on the plea of infirm health. (*Inst. Or.* xi. 3, § 144.) White fasciae, worn by men (Val. Max. *l. c.*; Phaedr. v. 7, 37), were a sign of extraordinary refinement in dress: the mode of cleaning them was by rubbing them with a white tenacious earth, resembling our pipe-clay (*fasciae cretatae*, Cic. *ad Att.* ii. 3). In the imperial times the Roman soldiers wore such *fasciae* ("si(miles) *tibiale* alienavit," Dig. 49, 16, 14, § 1). The bandages wound about the legs are shown in the illuminations of ancient MSS., *e.g.* in the Vatican Virgil. See also cut under LIBRA, Vol. II. p. 63.

4. The sacking of the bed on which the mattress rested (Cic. *de Div.* ii. 65, § 134; Mart. v. 62, xiv. 159; Becker-Göll, *Gallus*, ii. 333; Guhl and Koner, p. 572, ed. 5).

5. *Fasciae* were also the swaddling clothes in which infants were wrapped (Plaut. *Truc.* v. 13): see cut under INCUNABULA. [J. Y.] [W. W.]

FA'SCIA (ταινία), in architecture, signifies (by an obvious analogy with the ordinary meaning of the word) any long flat surface of wood, stone, or marble, such as the band which divides the architrave from the frieze in the Doric order, and the surfaces into which the architrave itself is divided in the Ionic and Corinthian orders. (Vitruv. iii. 5, 10; Guhl and Koner, ed. 5, p. 23.) See EPISTYLIUM and the cuts under COLUMNA, pp. 492–494. [P. S.] [W. W.]

FA'SCINUM (βασκανία), fascination, enchantment. The belief that some persons had the power of injuring others by their looks was prevalent among the Greeks and Romans, and, under the name *jettatura*, among the superstitious in modern Italy. The ὀφθαλμὸς βάσκανος, or *evil eye*, is frequently mentioned by ancient writers. (Alciphr. *Ep.* i. 15; Heliod. *Aeth.* iii. 7; compare Plin. *H. N.* vii. § 16.) Plutarch, in his *Symposium* (v. 7), has a separate chapter περὶ τῶν καταβασκαίνειν λεγομένων, καὶ βάσκανον ἔχειν ὀφθαλμόν. The evil eye was supposed to injure children particularly, but sometimes cattle also; whence Virgil (*Ecl.* iii. 103) says:

"Nescio quis teneros oculus mihi fascinat agnos."

Various amulets were used to avert the influence of the evil eye. The most common of these appears to have been the phallus, called by the Romans fascinum, which was hung round the necks of children (*turpicula res*, Varr. *L. L.* vii. 97, ed. Müller). Pliny (*H. N.* xix. § 50) also says that *Satyrica signa*, by which he means the phallus, were placed in gardens and on hearths as a protection against the fascinations of the envious; and we learn from Pollux (viii. 118) that smiths were accustomed to place the same figures before their forges with the same design. Sometimes other objects were employed for this purpose. Peisistratus is said to have hung the figure of a kind of grasshopper before the Acropolis as a preservative against fascination. (Hesych. *s. v.* Καταχήνη.) Compare AMULETUM, BULLA.

Another common mode of averting fascination was by spitting into the folds of one's own dress. (Theocr. vi. 39; Plin. *H. N.* xxviii. § 39; Lucian, *Navig.* 15, p. 259 R.)

According to Pliny (*H. N.* xxviii. § 39), Fascinus was the name of a god, who was worshipped among the Roman sacra by the Vestal virgins, and was placed under the chariot of those who triumphed as a protection against fascination; by which he means in all probability that the phallus was placed under the chariot. (Müller, *Archäol. der Kunst*, § 436,

1, 2; Böttiger, *Klein. Schr.* iii. p. 111; Becker-Göll, *Charikles*, i. p. 287.) [W. S.] [W. W.]

FASE'LUS. [PHASELUS.]

FASTI. *Fas* signifies *divine law*: the epithet *fastus* is properly applied to anything in accordance with divine law, and hence all those days upon which legal business might, without impiety (*sine piaculo*), be transacted before the praetor, were technically denominated *fasti dies*, i.e. *lawful days*. (For the classification of the days of the year, cf. DIES.) Varro and Festus derive *fastus* directly from *fari* (Varr. *L. L.* vi. 2; Festus, s. v. *Fasti*), while Ovid (*Fast.* i. 47) may be quoted in support of either etymology.

The sacred books in which the *fasti dies* of the year were marked, were themselves denominated *fasti*; the term, however, was employed in an extended sense to denote registers of various descriptions, and many mistakes have arisen among commentators from confounding fasti of different kinds. It will be useful, therefore, to consider separately the two great divisions, which have been distinguished as *Fasti Sacri* or *Fasti Kalendares*, and *Fasti Annales* or *Fasti Historici*.

I. FASTI SACRI or KALENDARES. For nearly four centuries and a half after the foundation of the city a knowledge of the calendar was possessed exclusively by the priests. One of the pontifices regularly proclaimed the appearance of the new moon, and at the same time announced the period which would intervene between the Kalends and the Nones. On the Nones the country people assembled for the purpose of learning from the Rex Sacrorum the various festivals to be celebrated during the month, and the days on which they would fall. (Macrob. i. 15.) In like manner all who wished to go to law were obliged to inquire of the privileged few on what day they might bring their suit, and received the reply as if from the lips of an astrologer. (Cic. *pro Muren.* 11, 25.) The whole of this lore, so long a source of power and profit, and therefore jealously enveloped in mystery, was at length made public by a certain Cn. Flavius, scribe to App. Claudius Caecus (Liv. ix. 46; Plin. *H. N.* xxxiii. § 17; Gell. vi. 9; Val. Max. ii. 5), who, having gained access to the pontifical books, copied out all the requisite information, and exhibited it in the forum for the use of the people at large. From this time forward such tables became common, and were known by the name of *Fasti*. They usually contained an enumeration of the months and days of the year; the Nones, Ides, Nundinae, Dies Fasti, Nefasti, Comitiales, Atri, &c. [CALENDARIUM], together with the different festivals, were marked in their proper places: astronomical observations on the risings and settings of the fixed stars and the commencement of the seasons were frequently inserted, and sometimes brief notices annexed regarding the introduction and signification of certain rites, the dedication of temples, glorious victories, and terrible disasters. In later times it became common to pay homage to the members of the imperial family by noting down their exploits and honours in the calendar, a species of flattery with which Antonius is charged by Cicero (*Phil.* ii. 34, 87. See also Tac. *Ann.* i. 15).

It will be seen from the above description that these *fasti* closely resembled a modern almanac ("Fastorum libri appellantur totius anni descriptio," Festus); and the celebrated work of Ovid may be considered as a poetical *Year-book* or *Companion to the Almanac*, having been composed to illustrate the Fasti published by Julius Caesar, who remodelled the Roman year. All the more remarkable epochs are examined in succession, the origin of the different festivals explained, the various ceremonies described, the legends connected with the principal constellations narrated, and many curious discussions interwoven upon subjects likely to prove interesting to his countrymen; the whole being seasoned with frequent allusions to the glories of the Julian line. The work however is incomplete, and deals only with the first six months of the year.

Several specimens of *fasti*, more or less perfect, on stone and marble, have been discovered at different times in different places. Mommsen arranges them in the following order:—

1. *Calendarium Pincianum*, engraved about B.C. 30, because Aug. 28 is not noted as *feriatus*, a character given to it in B.C. 29, but the *feriae* on Sept. 23, the birthday of Augustus, are inserted.

2. *C. Allifanum*, of the same date.

3. *C. Tusculanum*, dating from before B.C. 20, because it does not recognise the festival of Mars, in that year assigned to May 12.

4. *C. Venusinum*, probably belonging to B.C. 28.

5. *C. Sabinum*, after B.C. 19, as it notes the festival of the Augustales, Oct. 12, but earlier than the next, because the birthday of Augustus is *fastus*, not *feriatus*.

6. *C. Maffeianum*, after B.C. 8, because it assigns *ludi circenses*, instituted in that year for the birthday of Augustus, but before A.D. 3, because it does not note festivals established in that year.

7. *C. Esquilinum*, of the same date.

8. *Feriale Cumanum*, after the adoption of Tiberius in A.D. 3.

9. *C. Praenestinum*, between B.C. 2 and A.D. 10.

10. *C. Vallense*, between A.D. 7 and A.D. 14.

11. *C. Astiense*, before A.D. 14.

12. *C. Vaticanum*, during the reign of Tiberius (A.D. 14–34).

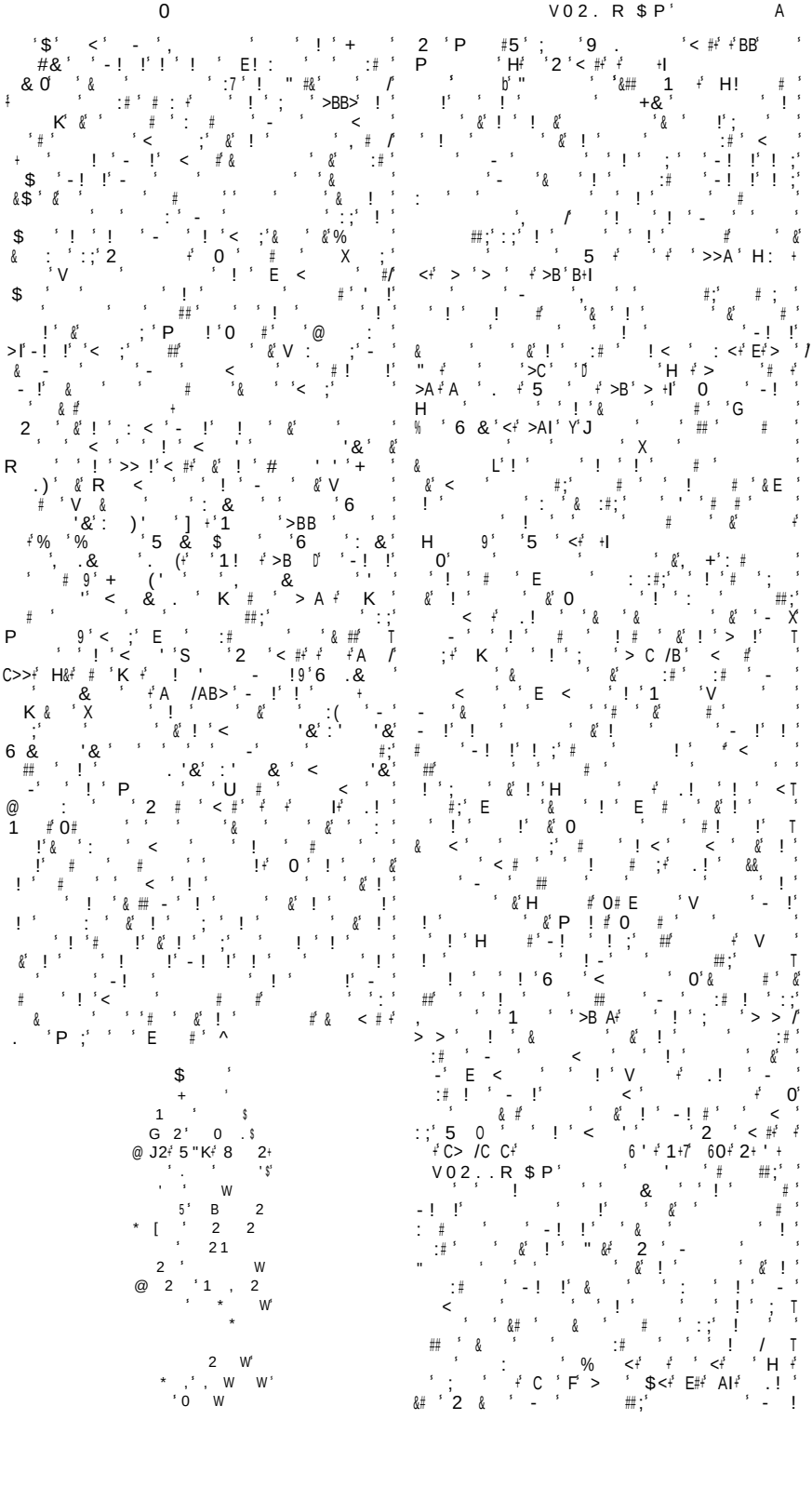
13. *C. Amiterninum*, after A.D. 16, but probably before A.D. 19.

4. *C. Pighianum*, between A.D. 31 and A.D. 37.

5. *C. Antiatinum*, in A.D. 51.

16–19. *Cc. Farnesianum, Urbinas, Romana duo*, without any certain indications of date, but probably not later than 15.

Mommsen further argues that it was quite natural that all these calendars should have been engraved while the Julian system was not generally familiar, and that they should all belong to Rome or the surrounding towns, because they were of little use except to those who lived in the capital, or visited it frequently. At a later date calendars were published in manuscripts, two of which are extant. Those mentioned above are all fragmentary, except the Cal. Maffeianum. One of the most remarkable, though one of the least entire, is that known as the *Kalendarium Praenestinum* or *Fasti Verriani*. Suetonius, in his short treatise on distinguished grammarians (c. 17), tells us that a statue of Verrius Flaccus, preceptor to the grandsons of Augustus, stood in the lower part of the forum



sculpture; originally, in the early temples of Zeus, with a simple eagle as a symbol of the god (Pind. *Olymp.* xiii. 29, and Schol. *ad loc.*), an instance of which is afforded by the coin represented in the following woodcut (Beger. *Spicil. Antiq.* p. 6), whence the Greek name ἀετὸς which was at first applied to the *tympanum* and afterwards to the whole pediment; and in after-times with elaborate sculptures in high relief, such as those in the pediments of the Parthenon, the fragments of which are among the Elgin Marbles in the British Museum, where also may be seen a full-sized model of the pediments of the temple of Zeus Panhellenius, at Aegina, with casts of the statues in them, restored. Most of the celebrated Greek temples

Fastigium. (From a coin.)

Temple at Aegina, restored. (Fergusson.)

were similarly adorned. (See Paus. i. 24, § 5; ii. 7, § 3; v. 10, § 2; ix. 11, § 4; Aristoph. *Aves*, 1110.) Terra-cotta figures were applied in a similar manner by the Romans in the early ages. (Cic. *de Div.* i. 10, § 16; Vitruv. iii. 2; Plin. *H. N.* xxxv. §§ 152, 158; xxxvi. § 6.) [ANTEFIXA.]

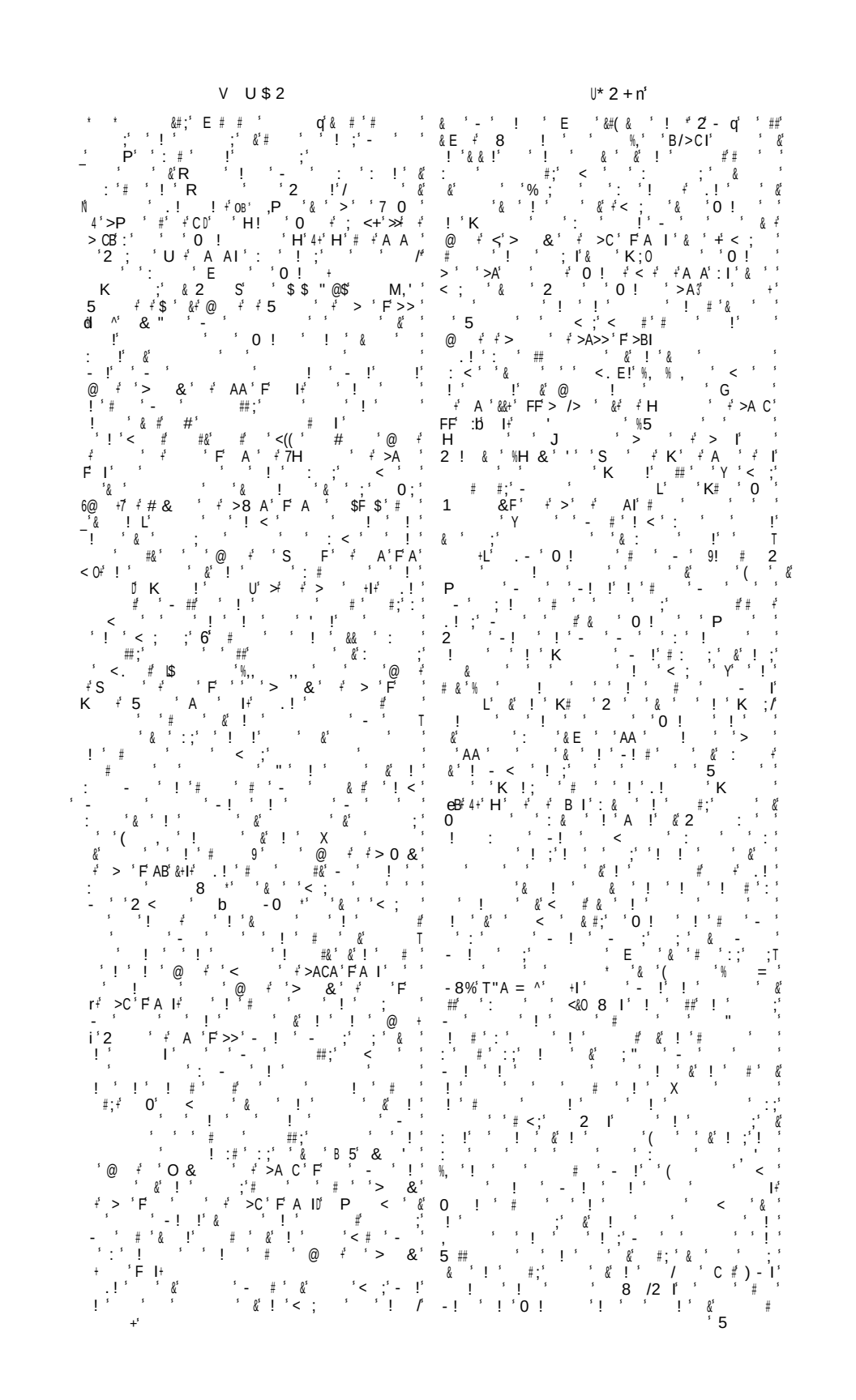
The dwelling-houses of the Romans might have sloping roofs, but ornamental gables were not allowed; hence, when the word is applied to them, it is not in its strictly technical sense, but designates the roof simply, and is to be understood of one which rises to a ridge as distinguished from a flat one (Cic. *ad Q. Fr.* iii. 1, 4, § 14; Verg. *Aen.* viii. 491). Among other divine honours, the Romans decreed to Caesar the liberty of erecting a fastigium to his house (Cic. *Phil.* ii. 43, § 110; Florus, iv. 2; Plut. *Caes.* 81; comp. ACROTERIUM), that is, a portico and pediment towards the street like that of a temple. [A. R.] [W. W.]

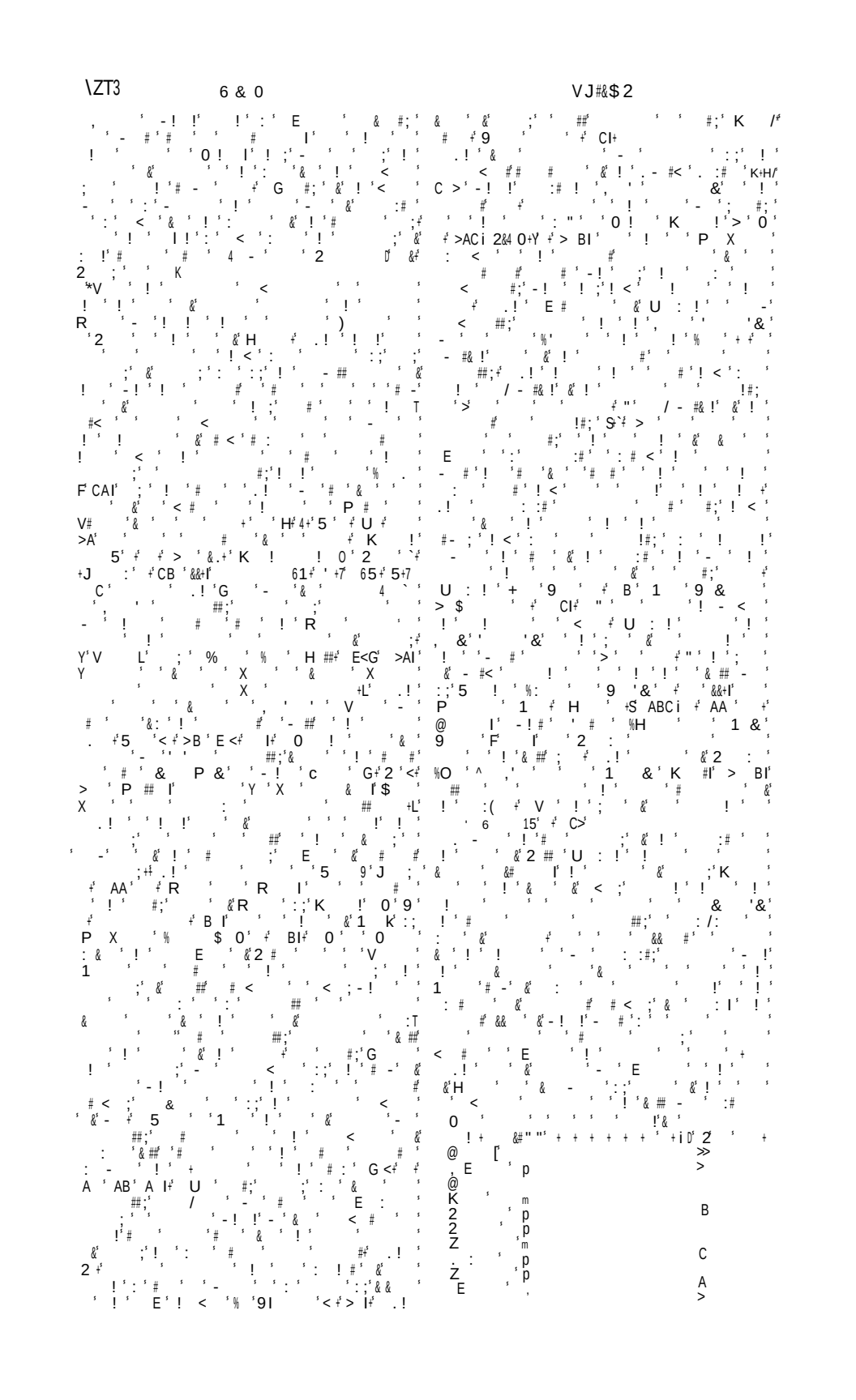
FAUCES. [DOMUS, p. 671 *a*.]

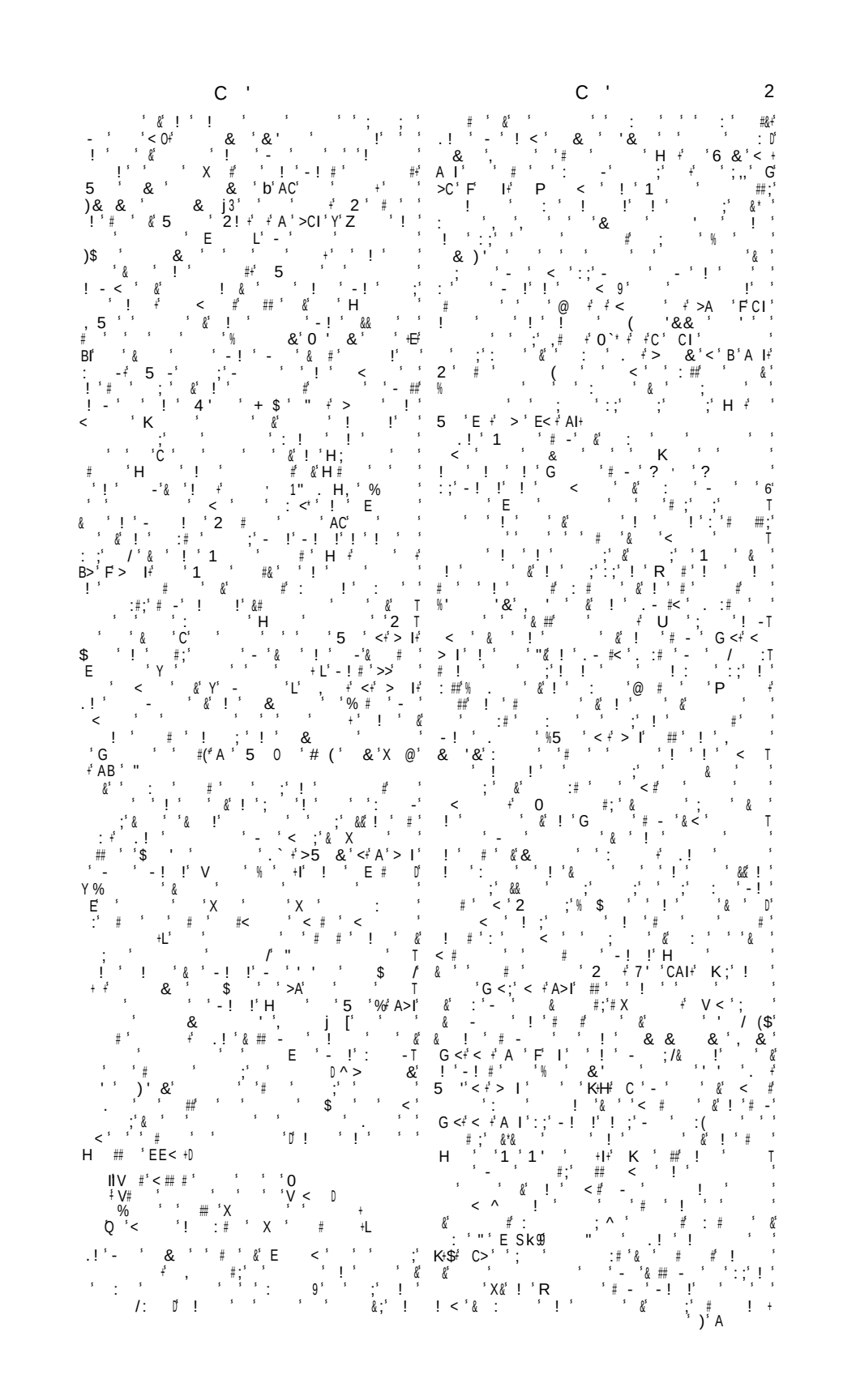
FAX (*φανός*), a torch. The descriptions of poets and mythologists, and the works of ancient art, represent the torch as carried by Diana, Ceres, Bellona, Hymen, Phosphorus, by females

Fax. 1. From a relief. 2. From a fictile vase. 3. From an antique gem.

in bacchanalian processions, and, in an inverted position, by Sleep and Death. In the above woodcut, the female figure in the middle is copied from a fictile vase. The winged figure on the left hand, asleep and leaning on a torch, is from a funeral monument at Rome: the word "Somnus" is inscribed beside it. The other winged figure, also with the torch inverted, is taken from an antique gem, and represents Cupid under the character of Ἀνσέρως, "the deliverer" from love" (Serv. *in* Verg. *Aen.* iv. 520) or "Lethaeus Amor" (Ovid, *Rem. Am.* 551). In ancient marbles the torch is sometimes more ornamented than in the examples now produced; but it appears to be formed of wooden staves or twigs, either bound by a rope drawn round them in a spiral form, as in the above middle figure, or surrounded by circular bands at equal distances, as in the two exterior figures. The inside of the torch may be supposed to have been filled with flax, tow, or other vegetable fibres, the whole being abundantly impregnated with pitch, rosin, wax, oil, and other inflammable substances. As the principal use of torches was to give light to those who went abroad after sunset, the portion of the Roman day immediately succeeding sunset was called *fax* or *prima fax*. (Gell. iii. 2, § 11; Macrob. *Sat.* i. 3, § 8.) Torches, as now described, appear to have been more common among the Romans than the Greeks. The use of torches after sunset, and the practice of celebrating marriages at that time, probably led to the consideration of the torch as one of the necessary accompaniments and symbols of marriage. Among the Romans the *fax nuptialis* (Cic. *pro Cluent.* 6, § 15), having been lighted at the parental







On this point, indeed, Livy speaks doubtfully ("*invenio* apud quosdam *L. Genucium tribunum plebis tulisse ad plebem, ne fenerare liceret*," vii. 42, § 1): but that all interest had been at one time forbidden by law is stated by Appian (*Bell. Civ.* i. 54) and Tacitus (*l. c.*); the latter adds that it had always been evaded. There was a very simple way of doing so; it only affected Roman citizens, and therefore the usurers granted loans, not in the name of themselves, but of the Latins and allies who were not bound by it (Liv. xxxv. 7). To prevent this evasion the Sempronian law was passed (B.C. 193), which placed the Latins and allies on the same footing in respect of lending money as the full Roman citizens. At last, after many futile attempts to prevent the exaction of interest at any rate and in any shape, the idea was abandoned altogether, and the centesima or 12 per cent. per annum became the legal and recognised rate. Niebuhr, as we have already observed, is of opinion that it was first adopted at Rome in the time of Sulla; but whether it became the legal rate by any special enactment, or from general consent, does not appear. Some writers have inferred (Heinecc. iii. 15) that it was first legalised by the edicts of the city praetors, an inference drawn from the general resemblance between the praetorian and proconsular edicts. Of the latter we have an example in the case of Cicero; he decreed for Cilicia a maximum of 12 per cent., but did not venture directly to oppose the Shylock Brutus in the matter of 48 per cent. with compound interest. ("Quum ego in edicto tralatitio centesimas me observaturum haberem, cum anatocismo anniversario ille ex syngrapha postulabat quaternas," *ad Att.* v. 21, § 11.) The rest of the letter is most amusing.

Whether this inference is true or not, it is admitted that the centesima or 12 per cent. was the legal rate at the end of the republic and also under the emperors. In the case of *fenus nauticum*, however, or bottomry, as the risk was the money-lender's, he might demand any interest he liked while the vessel on which the money was lent was at sea; but after she reached harbour, and while she was there, no more than the centesima could be demanded. Justinian reduced the legal rate to 6 per cent. on ordinary loans, and made 12 per cent. the maximum for *fenus nauticum*, whether at sea or in harbour (Heinecc. iii. 16).

Under the empire we find a very few examples of the practice, more familiar to the Greeks, of reckoning the interest annually, not by months, at a certain fraction of the capital, *e.g.* one-eighth or 12½ per cent. (Henzen, *Inscr.* 7215). After Constantine's changes in the currency, this practice became more common. The yearly interest was now fixed at 3 *siliquae* per *solidus;* and as the *solidus* contained 24 *siliquae*, this amounted to one-eighth of the principal. The Romans had no convenient way of expressing this 12½ per cent., and they transferred the word *centesima* to it; hence the centesima in the times before Constantine means 12 per cent., after him 12½ (Godefroi *ad* Cod. Theod. ii. 33, 1). (Cf. Marquardt, *Staatsverw.* ii. 59–62.) [R. W.] [W. W.]

FERA'LIA. [FUNUS, p. 893 *b*.]

FE'RCULUM (from *fer-o*) is applied to any kind of tray or platform used for carrying anything. Thus it is used to signify the tray or frame on which several dishes were brought in at once at dinner (Petron. 35; Plin. *H. N.* xxviii. § 26); and hence *fercula* came to mean the number of courses at dinner, and even the dishes themselves. (Suet. *Aug.* 74; Serv. *ad* Verg. *Aen.* i. 637; Juv. i. 94 (with Mayor's note), xi. 64; Hor. *Sat.* ii. 6, 104; Mart. iii. 50, ix. 82, xi. 31.)

The ferculum was also used for carrying the images of the gods in the procession of the circus (Suet. *Jul.* 76), the ashes of the dead in a funeral (Suet. *Cal.* 15), and the spoils in a triumph (Suet. *Jul.* 37; Liv. i. 10); in all which cases it appears to have been carried on the shoulders or in the hands of men. This is shown in the annexed cut from the Arch of Titus, where

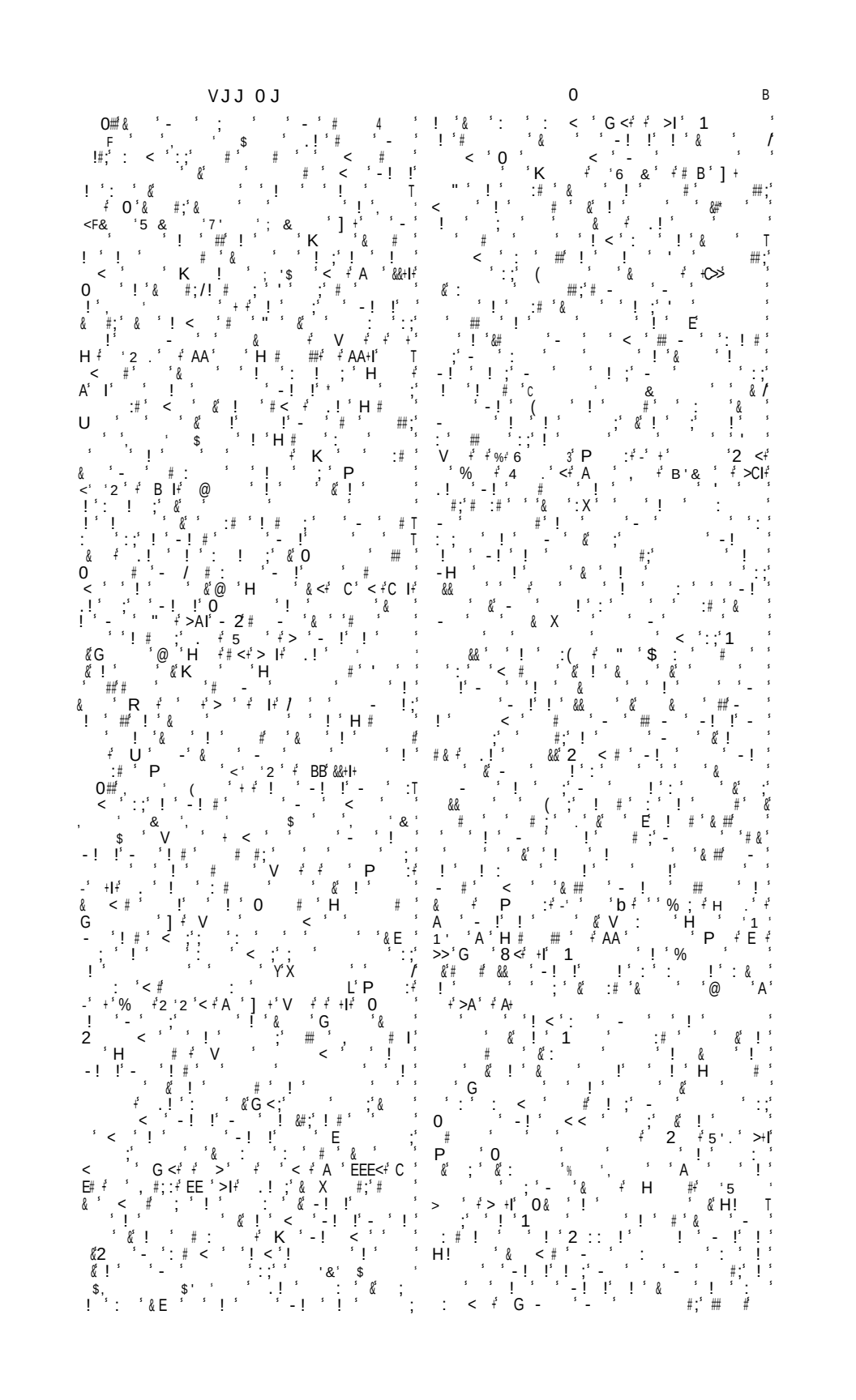
Roman soldiers carrying on a *ferculum* the Golden Candlestick. (Arch of Titus.)

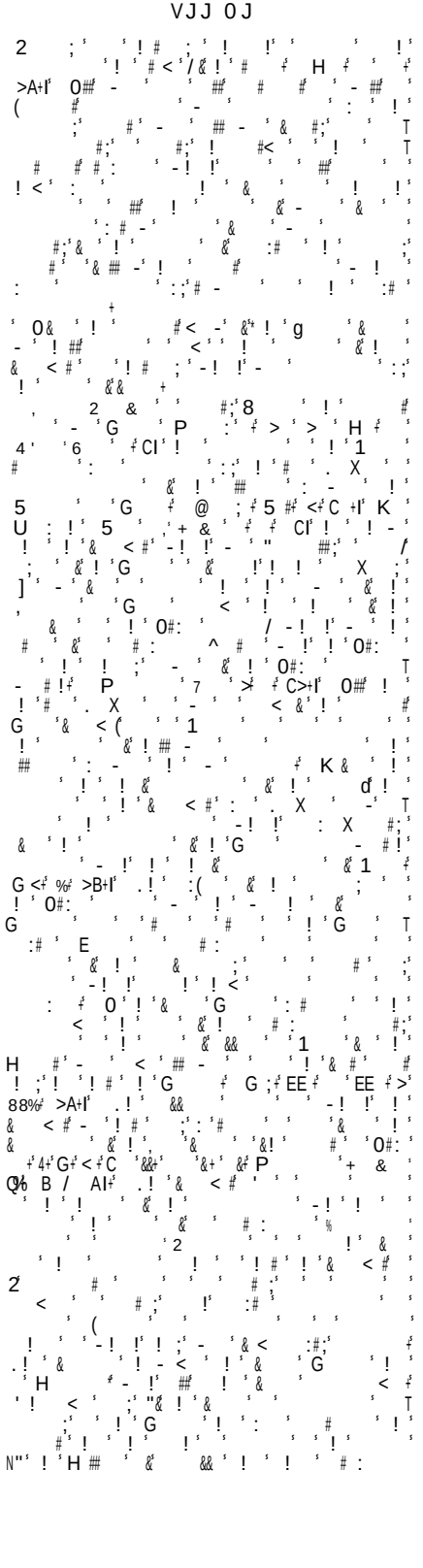
Roman soldiers are carrying on a ferculum the Golden Candlestick. The most illustrious captives were sometimes placed on a ferculum in a triumph, in order that they might be better seen. (Senec. *Herc. Oet.* 110.) [W. S.] [A. S. W.]

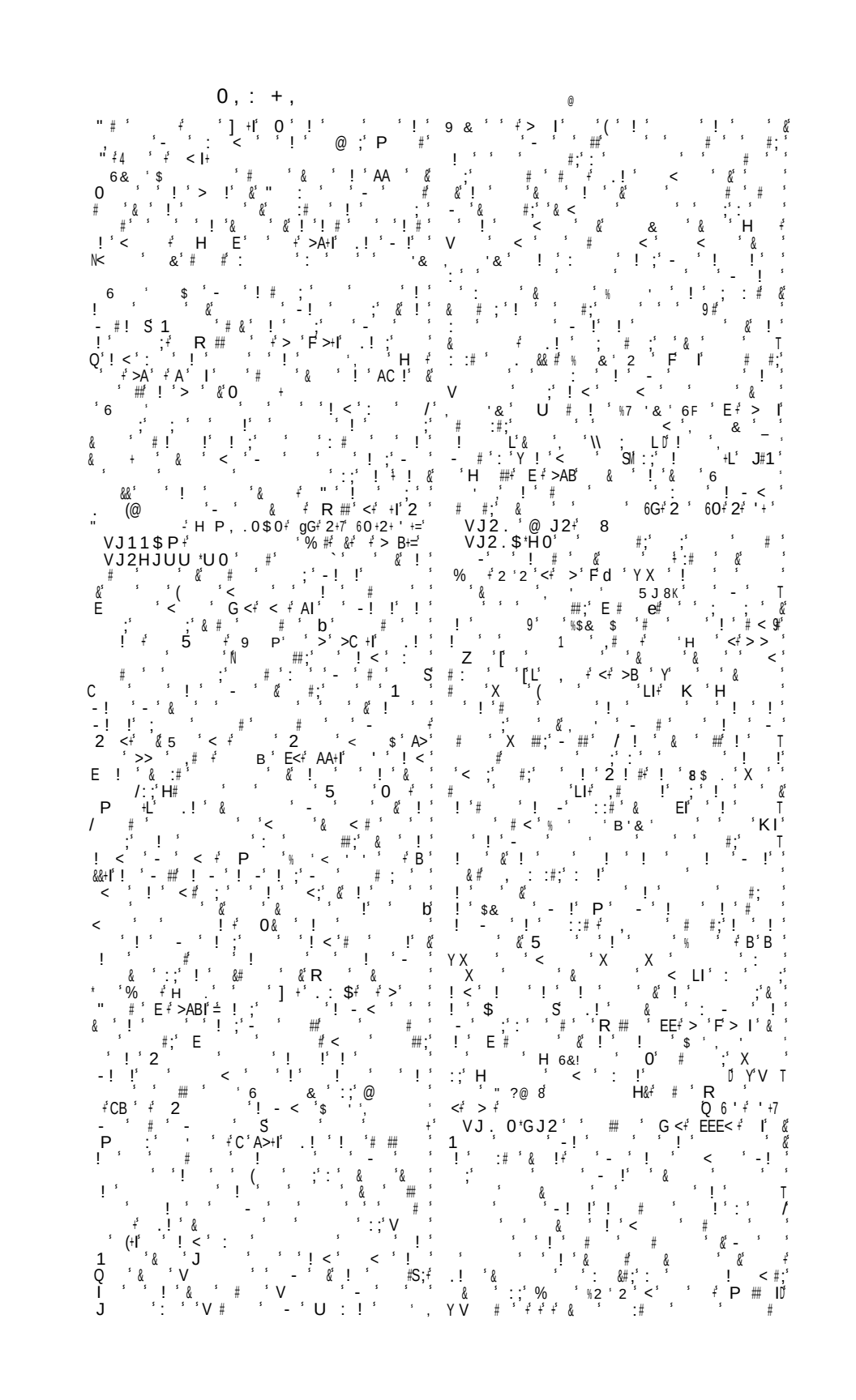
FERENTA'RII. [EXERCITUS, p. 782 *a*.]

FERETRUM. [FUNUS.]

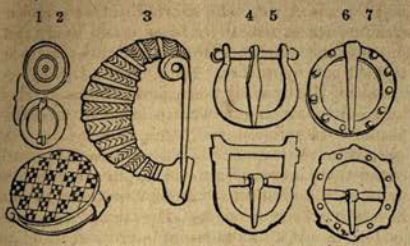
FE'RIAE, holidays, were, generally speaking, days or seasons during which free-born Romans suspended their political transactions and their lawsuits, and during which slaves enjoyed a cessation from labour. (Cic. *de Leg.* ii. 8, 19; 12, 29; *de Div.* i. 45, 102.) All feriae were thus *dies nefasti*. But they were distinguished (as Mommsen, *Chron.* p. 233, has shown) by the mark NP, while the *nefasti tristes* were marked simply N. The feriae included all days consecrated to any deity; consequently all days on which public festivals were celebrated were *feriae* or *dies feriati*. But some of them, such as the *feria vindemialis* and the *feriae aestivae*, seem to have had no direct connexion with the worship of the gods. The nundinae, however, during the time of the kings and the early period of the republic, were feriae only for the populus, and days of business for the plebeians, until, by the Hortensian law, they became fasti or days of business for both orders. (Macrob. *Sat.* i. 16, 28–30; compare Niebuhr, *Hist. of Rome*, vol. ii. p. 213, &c.; Walter, *Geschichte d. röm. Rechts*, p. 190.)







not merely as a fastening, but also as an ornament. (Hom. *Od.* xix. 256, 257; Eurip. *Phoen.* 805.)



Fibulae, brooches and buckles. (British Museum.)

As specimens of the exquisite workmanship of the more elaborate fibulae, we give two examples from the gold ornament cases of the British Museum.

Fibulae, brooches. (British Museum.)

Women wore the fibula both with the AMICTUS and the *indutus;* men wore it with the amictus only. Its most frequent use was to pin together two parts of the scarf, shawl or cloak [CHLAMYS; PEPLUS; PALLIUM], which constituted the amictus, so as to fasten it over the right shoulder. (Soph. *Trach.* 924–6; Theocr. xiv. 66; Ovid, *Met.* viii. 318; Tac. *Germ.* 17.) [Woodcuts, pp. 3, 158, 315.] More rarely we see it over the breast. The epithet *ἑτερόπορπος* was applied to a person wearing the fibula on one shoulder only (Schol. *in* Eurip. *Hec.* 933, 934); for women often wore it on both shoulders. [Woodcuts, pp. 368, 386.] In consequence of the habit of putting on the amictus with the aid of a fibula, it was called *περόνημα* or *ἐμπερόνημα* (Theocr. xv. 34, 79), *πόρπαμα* (Eurip. *Elect.* 820), *περοναρίς* (Theocr. *l. c.* 15), or *ἀμπεχόνη περονᾶτις* (Brunck, *Anal.* ii. 28= *Anth. Pal.* vii. 713). The splendid shawl of Ulysses, described in the Odyssey (xix. 225–231), was provided with two small pipes for admitting the pin of the golden brooch; this contrivance would secure the cloth from being torn. The highest degree of ornament was bestowed upon brooches after the fall of the Western empire. Justin II. (Corippus, ii. 122), and many of the emperors who preceded him, as we perceive from the portraits on their medals, wore upon their right shoulders fibulae, from which jewels, attached by three small chains, depended. (Beger, *Thes. Pal.* pp. 407 ff.)

It has been already stated that women often wore the fibula on both shoulders. In addition to this, a lady sometimes displayed an elegant row of brooches down each arm upon the sleeves of her tunic (Aelian, *V. H.* i. 18), examples of which are seen in many ancient statues. It was also fashionable to wear them on the breast (Isid. *Orig.* xix. 30); and another occasional distinction of female attire, in later times, was the use of the fibula in tucking up the tunic above the knee.

Not only might slight accidents to the person arise from wearing brooches (Hom. *Il.* v. 425), but they were sometimes used, especially by females, to inflict serious injuries. The pin of the fibula is the instrument which the Phrygian women employ to deprive Polymestor of his sight by piercing his pupils (Eurip. *Hec.* 1170), and with which the Athenian women, having first blinded a man, then dispatch him (Herod. v. 87; Schol. *in* Eurip. *Hec.* 934). Oedipus strikes the pupils of his own eyeballs with a brooch taken from the dress of Jocasta (Soph. *Oed. Tyr.* 1269; Eurip. *Phoen.* 62). For the same reason we find that *περονάω* meant "to pierce," since *περόνη* was properly the pin of the brooch (*περόνησε*, "pinned him," Hom. *Il.* vii. 145; xiii. 397).

Brooches were succeeded by buckles, especially among the Romans, who called them by the same name. The first woodcut shows on the right hand the forms of four bronze buckles (4, 5, 6, 7), from the collection in the British Museum. This article of dress was chiefly used to fasten the belt [BALTEUS], and the girdle [ZONA]. (Verg. *Aen.* xii. 274; Lydus, *de Magistr.* ii. 13.) It appears to have been in general much more richly ornamented than the brooch; for, although Hadrian was simple and inexpensive in this as well as in other matters of costume (Spartian. *Hadr.* 10), yet many of his successors were exceedingly prone to display buckles set with jewels (*fibulae gemmatae*).

The terms which have now been illustrated as applied to articles of dress, were also used to denote pins variously introduced in carpentry; *e.g.* the linch-pins of a chariot (Parthen. 6, § 4); the wooden pins inserted through the sides of a boat, to which the sailors fasten their lines or ropes (Apoll. Rhod. i. 567); the trenails which unite the posts and planks of a wooden bridge (Caesar, *B. G.* iv. 17); and the pins fixed into the top of a wooden triangle used as a mechanical engine (Vitruv. x. 2). [J. Y.] [W. W.]

FI'CTILE, anything made of earth or clay, earthen, fictile. In Greek the special word for moulding in soft materials, *πλάσσω*, with its derivatives *πλάσμα*, *πλάστης*, *πλαστική*, was gradually applied only to clay, in which sense the words *plastes* and *plastice* passed into Latin. Then, as clay played an important part in the preparation of works in bronze, the use of these words was extended to metal, and still further to statuary in stone and marble. The Latin equivalent of *πλάσσω* is *fingo*, which originally was applied only to the moulding of soft stuffs, but later was used for statuary of all kinds as opposed to *pingo:* in this extended sense we

have also *fictor* and *figmentum*, but the usual application of *fictor* is confined to modelling in clay, just as *fictor*, *figlinus*, *figulus* refer only to work in clay. The original term for clay is κέραμος, whence the forms κεραμεύς, κεραμεύω, &c., applied not merely to the potter, but broadly to a worker in clay. From πηλός (applied to the clay of the bricklayer, but also to that of the potter) we have πηλουργός, πηλοπλάθος, corresponding to the poetical use of *lutum*: whereas, however, *argilla* = modelling clay, ἄργιλος = clay without reference to its plastic uses, γῆ κεραμίς = *terra* or *creta figularis*; hence also *ars cretaria*. (Cf. Blümner, *Technologie*, ii. p. 1.)

We may take it that the history of working in clay has been in all times subject to the same broad laws of development. The primitive barbarian employs as utensils of food or drink the objects of nature that are to his hand, such as shells or horns. He then finds that certain clays take forms readily and harden in the sun: the next step is to a selection of the clay, and then gradually to a purification of it. Then comes baking in artificial heat, and the preparation and polishing of the surface: finally (in the case of pottery), the introduction of the potter's wheel.

It will be convenient to divide the subject into three parts, corresponding with the principal manufactures to which the Fictile Art was devoted: viz. A. *Vases and lamps*; B. *Bricks and tiles*; C. *Statuary and terracottas*.

A. VASE-MAKING.—The general words for pottery in Greek are κέραμος and ὄστρακον: in Latin, *testa* and *opus figulinum*; this last expression is also applied to bricks, but is usually of finer pottery-ware as opposed to *opus doliare*, rough ware (not necessarily the special making of *dolia*). A potter is χυτρεύς or χυτροπλάθος, *figulus*. In Greek, special names further indicate the speciality of the potter: thus καδοποιός, ληκυθοποιός.

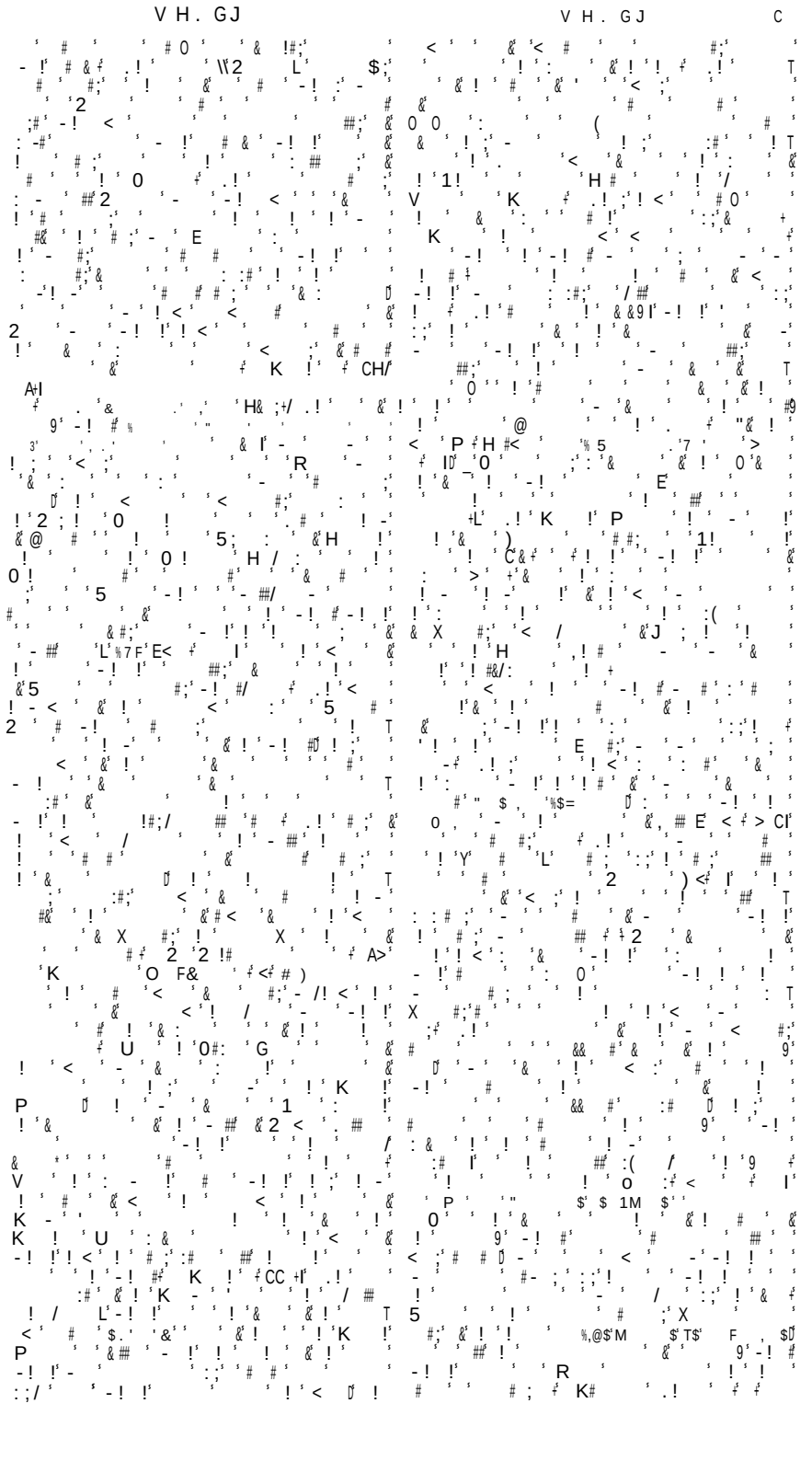
i. *The preparation of the Clay.*—As to the processes adopted by the ancients in the preparation of the clay, we have little information. The earliest vases from Hissarlik and the Cyclades are of very coarse clay, in which, either by ignorance or from design, large pebbles and pieces of foreign substances are allowed to

1. Clay quarry. (From a tablet at Berlin.)

remain, the result being a very uneven surface and frequent fissures in the vase. A great deal might be done by levigating the clay (ὀργάζειν) while moist, so as to rid it of all grosser substances before moulding it into shape: a still further purification of the clay gave the thin slip, into which the vase when complete was dipped, so as to coat it with a fine surface suitable for polishing. There is no doubt that the extensive commerce in pottery possessed by certain localities was largely due to their propinquity to specially suitable beds of clay. Thus the clay quarries may still be seen near Corinth to which the Corinthian pottery in antiquity owed its reputation: this clay is of a creamy yellow colour, and rather soft to the touch. Much of the Italian ware, the so-called Bucchero Nero, is of an oily surface, and when baked is black all through. The fine clay of Attica, and especially that of Cape Kolias, was celebrated in antiquity not only for its hardness and toughness, but also because it mixed well with ruddle or red ochre (μίλτος, *rubrica*): this would be a quality specially desirable for the manufacture of painted vases [see PICTURA]. Colouring matter was frequently applied to the clay; and some makers in Rhodes and Egypt are even said to have mixed sweet-smelling substances in it (see Athen. xi. p. 464 b).

The extensive use of pottery throughout the Greek and Roman world rendered the potter's industry a necessity of every community: hence the frequent references in literature to the "Potters' quarter," the Κεραμεικός. At Athens this quarter was without the city and adjoining the necropolis; a site which was no doubt convenient for the makers of painted vases, so largely in use for dedication at the tomb. The potter's ware was also in use for dedication in the temples, as is shown by the large number of vases with dedicatory inscriptions found at Naukratis in Egypt [see VAS]; and in some cases for prizes in the sacred games [see AMPHORA]. This painted ware was largely exported from the chief centres of the different manufactures: in the fourth and fifth centuries B.C. most of it came from Athens; later on, a great deal was made in Southern Italy. At Oria, in Apulia, was found in 1828 a potter's workshop, filled with vases of all kinds, especially of the ware which is frequently found at Bari and the tombs of that district, viz. with the black surface sparsely decorated with wreaths, heads, &c. in white, yellow, or purple colours (see *Bull. dell' Inst.* 1834, p. 55). By the middle of the third century the art of painting vases had practically disappeared altogether [see PICTURA].

In Italy in the olden time, crockery for ordinary purposes was made by every man who could do so on his own estate: almost every village would have had its own pottery, but the ware would be for the most part rough, unglazed, and with little or no decoration. Of Roman glazed ware there were two main classes —the so-called Aretine and Samian wares. The term Aretine is given because large quantities of this ware have been found at Arezzo, the ancient Arretium, a place which is often mentioned in ancient literature for its fabric of red pottery; but it is certain that other places also produced this pottery, and the term must therefore be taken as indicating merely a special style and technique, which was in vogue in the last century B.C. and the first three centuries A.D. Aretine ware is of a fine clay, brilliant



n. 3) quotes a writer of the third century B.C., the son of Sirach (Ecclus. xxxviii. 29 ff.), who mentions definitely the use of the feet, *συστρέφων ἐν ποσὶν αὐτοῦ τροχόν*: but more commonly we find mention of the use of the hand (*e.g.* Plut. *de gen. Socr.* 20, p. 588 F). In the case of a large vase, before which the modeller would have to stand upright, the wheel was only raised a short distance from the ground, and was turned by a boy seated beside it, as we see in the Munich vase-painting representing a potter's workshop (Jahn, *Verzeichniss*, No. 731).

The wheel consisted of a circular disk placed horizontally upon an upright post, upon which it rotated. Specimens have been found in the neighbourhood of Arezzo (Fabroni, *Storia degli ant. Vasi fitt. Aretini*, p. 63) and near Nancy (De Caumont, *Cours d'anc. Mon.* ii. 210): these are described as wheels of terracotta, pierced at the centre to receive the axis of a pivot, and furnished at the circumference with small cylinders of lead: these would serve as a purchase for the hand, while the additional weight would impart steadiness to the rotatory movement.

The accompanying illustration shows a potter at work making a vase upon the wheel. It is taken from the painting on a pinax or small clay tablet in the Berlin Museum, and is one of a large series which were found at Penteskuphia near Corinth in 1879, and date from the sixth century B.C. Many of these pinakes represent different stages of the potter's art, and from the inscriptions it is probable that all were originally dedicated by potters to Poseidon as specimens of their work, which in course of time were removed from the temple or shrine, and

2. Potter at work. (From a tablet at Berlin.)

buried in a favissa adjoining. From the above we see that the process of pottery at this early date differed but little from that of the present day. The ancient potter placed a lump of clay upon the centre of the wheel, and while he revolved the wheel (*τροχὸν ἐλαύνειν*) he moulded (*ἕλκειν, ducere*) the clay with his hand. While one hand was placed inside the lump of clay, giving it the required form, the palm of the other would be pressed against the outer surface, thus keeping the wall of the vase smooth and thin. That thinness in the walls was a special desideratum, at any rate in the best period, we see from the vases which have come down to us: this is further exemplified by the statement recorded in Pliny (*H. N.* xxxv. § 161), that in his day were still to be seen in a temple at Erythrae two amphorae preserved there in remembrance of a contest between a master potter and his pupil, as to which could throw the thinnest ware. Lucian even speaks of pottery so light as to be blown away by the wind, *ἀνεμοφόρητα καὶ ὑμενόστρακα* (*Lexiph.* 7). In the preceding cut, the potter is seated beside his wheel, which he turns with one hand, while with the other he applies ornament either with a brush or stick: if the ornament was engraved alone, this would have to be done while the clay was still moist; if painted, the vase would be first dried in the air.

The body of the vase once completed, the surface was smoothed, perhaps as now, with a piece of hard leather or a small strip of wood: Jahn thought that this process is represented upon a vase-painting (*Berichte des G.* 1854, Taf. 1, 2). It was then placed in the air to dry, and the handles, as well as in the case of larger vases the neck and foot, which had been independently constructed, were attached. Great technical skill was shown by the Greek potter in the attachment of the handles, which, in the vases which have come down to us, are rarely broken away at the point of juncture.

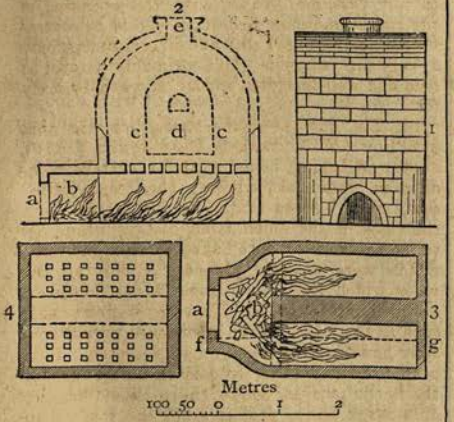
The completed vase was now ready for decoration. The various processes of painting and glazing vases are considered under the article PICTURA; other methods of decoration by means of stamping and moulding are mentioned below. In any case, most vases, with the exception of the rudest and most primitive, would be covered with a finely-ground slip, and in certain instances a very fine siliceous glaze, probably formed of soda and well-levigated sand. It was now ready for

iii. *The Baking.*—Some vases, we are told by Pliny (*H. N.* xxxi. § 130; xxxiv. § 170), needed no baking, being used for certain technical or medicinal purposes: these were called *ὠμά, cruda*. Plato (*Legg.* iii. 679 A) mentions the vases of the olden time, distinguishing between those which were baked, *ἔμπυρα*, and those which were unbaked, *ἄπυρα*. Almost all the vases which have come down to us, however, are undoubtedly baked. A vase of great size, such as the pithos above mentioned, would possibly have a special oven for its reception: it is possible that such an oven is shown on one of the Berlin pinakes, where the neck and handles of a large pithos project from the roof of an oven, with flames coming through it: Furtwängler, however (*Berlin Vase Catal.*, No. 802), says that the custom still obtains in Greece of the use of a pithos for the same purpose in the houses of the present day.

The process of baking (*ὀπτᾶν, coquere*) was one of the most critical in the potter's art. The necessary amount of heat required to be accurately adjusted, according to the character of the ware. Most of the Greek pottery is submitted to a great deal of heat; the Etruscan Bucchero Nero, on the other hand, required only a moderate amount: frequent examples have come down to us of discoloured or distorted vases, which have been subjected to too much or too little heat. Often the vases flew in the baking, *φοξά*: or the vases touched one another and lost their shape; or the smoke reached them and spoilt the colour. These mishaps were put down to the malicious influence of evil sprites, and various methods were resorted to counteract this influence: the pseudo-Homeric hymn to the potters (Hom. *Ep.* xiv.) invokes Athene's protection for the vases that are being baked, and mentions the various evil spirits that

may injure them if the potters deceive the poet: "the Smasher, Σύντριψ; the Crasher, Σμάραγος; the Unquenchable (*i.e.* overheat), Ἄσβεστος; the Destroyer, Σαβάκτης; and the Fierce Conqueror, Ὠμόδαμος; and may he work many evils to your art!" On the Munich vase the front of the oven is furnished with the head of a Seilenos, as an amulet, ἀποτρόπαιον, intended to avert the evil eye. The quality of baking was judged by tapping (κρούειν, *discutere*) on the surface of the vase, according to the sound it gave out.

The ovens (κάμινοι, *fornaces*) for baking vases seem to have differed very little from those of the present [FORNAX]. The remains of such ovens, dating from a late Roman period, have been found in S. and W. Germany, France, England, and Italy. The most perfect perhaps was that found in 1881 at the little Roman colonia situated between the villages of Heddernheim and Praunheim near Frankfort: it has now been destroyed by the owner of the property on which it was found, but an excellent set of plans were drawn up before its destruction, by Donner, and published in the *Annali dell' Inst.* 1882, Tav. U 3–6, from which they are here reproduced.



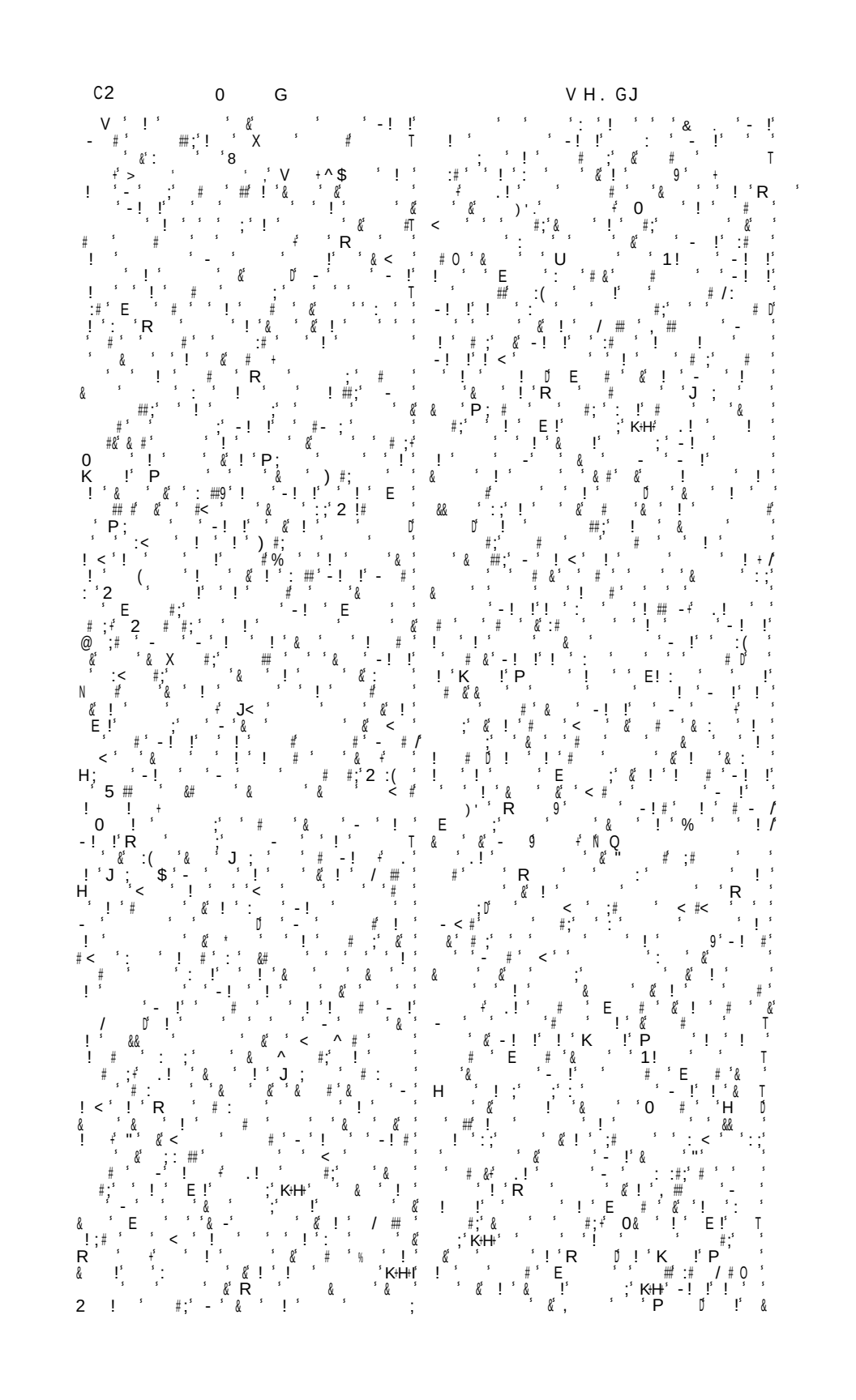
3. Plans of furnace at Heddernheim.

The oven as a rule consisted of three different parts: the fire-space, or furnace, which was usually prolonged at the entrance by a channel through which the fuel was passed, *praefurnium*; and the vase-room, or oven proper, which consisted of a domed chamber built over the furnace. The whole was built of burnt, or sometimes of unburnt, bricks, and the interior, floor, and upper surface of the roof were coated with strong cement. The furnace was usually circular, sometimes rectangular; and was usually bisected by a wall, which started from the *praefurnium* and was intended to support the floor of the oven. This floor was pierced with a number of holes to allow the heat to pass through: upon it the vases intended for baking were placed, or else they were hung on the walls: in the oven found at Lezoux a number of iron pegs were driven into the walls for this purpose. In some cases a series of pipes ran from the holes in the floor through the roof of the oven: by this means any smoke or cold air which might otherwise penetrate from the furnace into the oven, and so injure the vases, was carried off. The roof is wanting in nearly all the remains which have come down to us; but all the painted representations point to a vaulted roof, with a hole or chimney at the top through which the flames issue. Into the side of the oven two doors, or one door within another, led from the outside, capable of being hermetically sealed: the smaller of these doors enabled the potter to examine the vases from time to time and watch their progress in baking; the larger door was used for introducing the vases into the oven.

In fig. 3 we have the ground-plan of the furnace, of which *a* represents the mouth; *b* the neck, from which the flames spread throughout the building. The fire-space is divided into two parts by a wall which serves as a support for the floor of the vase-space seen in fig. 5: this floor is perforated with square holes at regular intervals, through which the heat passes to the vases. No. 1 represents the front elevation, and No. 2 the vertical section, of a complete building, made up from the actual remains of Heddernheim restored after the Berlin paintings: the portion restored is marked in dotted lines. In No. 2, *d* represents the door nearly on a level with the floor of the oven, through which the vases are inserted: the smaller aperture within *d* serves as an eyehole through which the vases in process of baking might be periodically inspected: such an arrangement seems to be indicated on some of the Berlin paintings.

4. Exterior of furnace. (Berlin tablet.)

5. Interior of furnace. (Berlin tablet.)



the figures in this scene has been singly stamped upon the soft clay from a separate stamp.

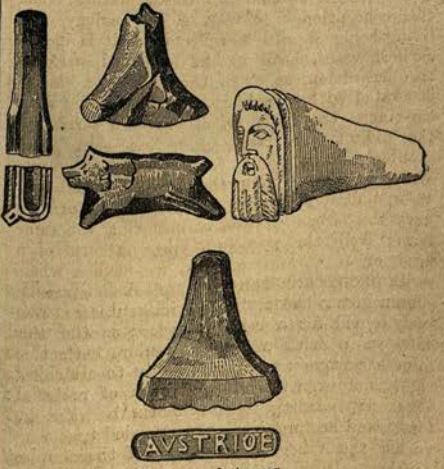
d. The practice of producing complete vases from moulds is only found in the later periods of Greek pottery: many of the rhyta already mentioned were probably so made, in the form of objects such as the heads of Seileni or nymphs, or the heads of animals, or even occasionally in groups, such as that of a negro devoured by a crocodile: these rhyta are usually coloured, with more or less resemblance to nature, or are covered with a black glaze. Another class of vases produced in this way are certain black aski with reeded or plain bodies and a relief on the upper surface; and a class of phiale omphalobi of the same ware, which have a frieze of figures running around the central boss in the interior: it is uncertain, however, whether these vases were made by Greek or by Roman potters; one such phiale has around the central boss an inscription in archaic characters of the Roman potter Canuleius (*Annali dell' Inst.* 1883, Tav. d' agg. I). On the other hand, a cup of this ware has on the interior the mould of a coin of Syracuse of the third century B.C.

In Etruria, previously to the free importation of Greek pottery, we find the potter's art following much the same line of development. We have, first of all, the primitive hand-made ware, which is modelled into all sorts of grotesque and fanciful shapes, principal among these being the so-called "hut-urn," already alluded to: these are succeeded by the Bucchero or black ware, in which the forms are moulded frequently in imitation of metal, and the decoration follows one or all of the three processes; either it consists of reliefs pressed separately in a mould and attached, or reliefs modelled on the vase free-hand, or bands and patterns stamped on the vase. Contemporary with these is also a class of red ware, for which the stamping process alone seems to have been used.

The Roman pottery of early times seems to have been mainly similar to the Etruscan, or to have relied largely upon imported fabrics. From an early site upon the Esquiline we have evidence of a fabric which is evidently derived from an Egyptian origin, and which has a greenish yellow glaze with floral patterns, &c. in relief. In the third century B.C. Roman potters were working in the Greek method, as we see from the vase of Canuleios mentioned above. In the second century B.C. we find the so-called Samian ware coming in, and this seems to have held its own to the exclusion of most other ware throughout Roman times. It is of a remarkably fine and smooth character, varying in colour from a deep red to a pale orange, or iron grey with a bright metallic lustre, and in most cases has plastic decoration in relief. The custom, however, of calling this ware "Samian" appears to rest on no sufficient basis: it has been attempted to show that this ware is traceable to certain "Proto-Samian" pottery found in Greece and the islands; but it is never mentioned by the earlier Greek writers, and seems to have been peculiarly characteristic of Roman pottery. One of the principal seats of its manufacture was Arezzo, the ancient Arretium, and this Aretine ware is frequently mentioned in terms of praise by Roman writers (see Birch, vol. ii. p. 339).

The vases of this ware which are decorated with reliefs are most usually made entirely in a mould; or else the relief was executed *en barbotine*,—that is, by laying on the surface a thin slip, which was then worked up with a tool into the required form. The mould vases, or matrices, were in one piece, as a rule of the same clay as the vase itself, but uncoloured. In the production of vases on this plan, three distinct processes were necessary: first, the making of the stamps intended for the decoration, then the fabrication of the matrix, and, lastly, the formation of the vase within the matrix. The stamps were usually of clay, but were also made in gypsum, wood, and metal: they had a short handle, terminating in a surface slightly convex (so as better to fit the concave side of the matrix), on which was modelled the ornament, either a pattern or figure, or the name of the potter. As the making of these stamps required a certain amount of artistic skill, it is probable that they were in circulation among the numerous potteries, and this accounts for the

6. Specimen of Samian.



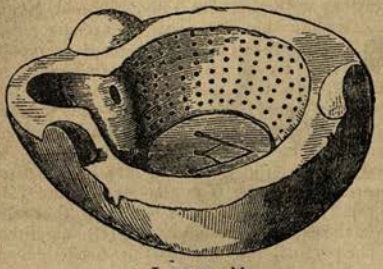
7. Potters' stamps.

fact that vases with similar ornaments have been found in widely distant localities.

For the preparation of the matrix a clay which should possess highly absorbent qualities was necessary, so that it should absorb the moisture of the clay which was pressed into it, and facilitate its drying: for this purpose we find some of these matrices provided with a hole in the base through which the moisture might drain out. They were made on the wheel, and, while the clay was still damp, the designs were pressed in by means of the stamps: the whole was then smoothed and baked hard.

Into the matrix thus prepared, the clay was pressed, and the inner surface of the vase was then formed upon the wheel. When dry, the vase was easily removed from the matrix; a foot, if necessary, was added, and it was now ready for baking. For finishing purposes, modelling tools were employed, of bone or bronze: several of these were found at Arezzo (see Blümner, *Techn.* ii. p. 110).

Most of the lamps which have come down to us are also made in this process: some of the Greek lamps of earlier times are simply open vases made either freehand or on the wheel, and covered with black glaze. The most ordinary form, however, both of late Greek times and throughout the Roman period, have the chamber for the oil covered in, with, as a rule, a decoration in relief upon the upper surface. These were invariably made in a mould by the following process:—First a solid clay mould was made in the form of a lamp, decorated on the upper surface either with a moulded or stamped decoration: around this core a clay matrix was pressed, which was then divided horizontally, so as to form an upper and lower matrix: to ensure the exact fitting of these two parts, either corresponding marks were made, or else a series of knobs were raised in the surface of one part which exactly fitted into corresponding sockets in the other part. Both parts would then have a thin coating of clay pressed in, the two parts of the matrix were joined, and the complete lamp within the matrix was finally allowed to dry, and then baked.



8. Lamp mould.

B. ARCHITECTURAL OBJECTS.—i. *Bricks.*—The general term in Greek for brick-making is πλινθεύειν, and for a brick, πλίνθος; as the usual form of a brick was rectangular, both these words became applied gradually to all objects of this form, without distinction of material: the corresponding term in Latin is *later*, but this word had not the same extended usage.

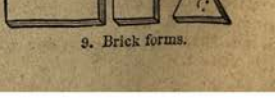
The art of brick-making, one of the simplest and oldest of the fictile arts, was never developed to any considerable extent in Greece; it was in use from very early times, and, like most arts, had its legendary inventors. To the Athenians Euryalos and Hyperbios were attributed the arts of brick-making and house-building; another account mentions Toxius, son of Caelius, as the inventor of building with mortar, the idea having been suggested from the nests of swallows. Of the Greek uses or methods of making bricks very little is known; it is certain at any rate that the Greeks used air-dried bricks and tiles (πλίνθοι ὠμαί, *lateres crudi*) down to Roman times, even for the walls of towns. As a rule, for all important buildings, stone and marble would be used; and in all probability the use of bricks was never extensive in Greece until it had spread thither from Rome.

In the early period of Roman history under the Republic, the usual material for all buildings was air-dried bricks. Vitruvius says that in his time at Rome it was usual to employ stone for the foundations (*pilae lapideae*), bricks for the walls (*structurae testaceae*), and cement for the party walls (*parietes caementicii*). In Imperial times brick was the usual material for both private and public buildings; the walls of more costly buildings would often be of a core of rubble between bricks, or of brick alone, faced with marble slabs.

All that we know of the Greek method is that the earthy clay (πῆλος) was carved out with trowels (ἀμαί) and laid in mould (λεκάναι, see Aristoph. *Aves*, 1145): it was wetted with water and kneaded with the feet, but it is uncertain whether the bricks were modelled by hand or pressed into a mould. The Romans were careful in the selection of clay: they rejected sandy or stony clay, both on account of the weight and liability to damp; a whitish clay was preferred (*terra albida, cretosa*), or else a reddish clay (*rubrica*), or the softer kind of sandy loam (*sabulo masculus*). The special times for brick-making were spring or autumn: after baking it was usual to leave the bricks for some time to dry. Vitruvius recommends the use of those which are two years old and thoroughly dry; and quotes a law of Utica, ordaining that bricks for walls must be five years old. The clay was carefully purified, damped, and mixed with chopped straw; it was then either formed by the hand or pressed in a mould, and set to dry in the sun. In some parts of Spain and Asia Minor bricks are said to have been made so light that they would not sink in water.

The usual size of bricks in Greece was 5 palms square (πεντάδωρα) for public, and 4 palms square (τετράδωρα) for private buildings: in Rome the size usually adopted was the γένος Λύδιον, 1½ Roman foot long by 1 ft. broad (*sesquipedales*). Palladius recommends bricks of 2 Roman feet long (*bipedales*) by 1 ft. broad and 4 in. high: in later times there seems to have been no definite rule as to size.

The form varied according to the purpose for which the brick was intended. The accompanying woodcut, taken from Rich, shows a set of brick



9. Brick forms.

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and a different system of stamping. Though the series extends over a period of at least three centuries, the character of each class is more or less stereotyped, both as regards form, dimensions, and mode of fabrication. The stamps of Rhodes are of two kinds: a circular medallion, which has an emblem like a coin type, such as a rose or a head of Helios, usually surrounded with a legend which gives the name of the eponymous magistrate of the year, a phrourarchos or a priest of the Sun, and a month; or an oblong label, which gives either an emblem with a magistrate's name, or a magistrate's name and that of a month. Those of Cnidos are usually diamond-shaped or oblong, and have an emblem with the name of an eponymous magistrate, who seems to have been a demiourgos, a phrourarchos or an astynomos, and occasionally a second name, perhaps that of the exporter, followed by letters of the word ΚΝΙΔΙΩΝ. The stamps which have been preserved of Thasos are much rarer: they have usually the inscription ΘΑΣΙΩΝ, followed by a name, and an emblem such as a cornucopia or a dolphin. Besides these three classes, specimens are preserved with inscriptions which refer their origin to such sites as Sinope, Bosporos, and Olbia; and there are several kinds which bear monograms, abbreviations, single letters, or merely emblems.

10. Stamped Amphora handles. (British Museum.)

Judging from the character of the writing, it would appear that stamps of two materials were used: in some cases the inscriptions are clearly cut and sharply defined, and would have been impressed from metal stamps, such as have been found in great numbers (though none as yet which can be connected with this special class of diotae): in other cases the lettering is faint and almost illegible, and was probably the result of using a worn wooden stamp. One interesting fact in the study of these inscriptions is that they show the ancients to have come very near the invention of printing: many of these amphora handles have inscriptions made by combinations of single-letter stamps; and in some cases a letter in a word has been wrongly inserted and is corrected with another letter stamped over it.

The intention of these stamps on amphora handles is still a matter of uncertainty, notwithstanding a large amount of study which has been devoted to its elucidation. It is evident that the majority of these inscriptions indicate primarily a date; and many suppose that the date on the handle indicates the time when the wine or other contents were inserted. This is obviously improbable: the stamp is impressed while the clay is wet, and not necessarily at the time of bottling: moreover, the buyers of Rhodian wine all over the world would have had to know by heart the entire list of Rhodian priests of the Sun: and lastly, Cnidos, whose amphora handles are found everywhere throughout the Mediterranean, was not famous for wine, and certainly never in the way of exporting produce. Besides, we know that in instances where vases were employed for preserving, it was usual to seal the mouth with stucco or mud, and on this material to stamp the contents, and possibly the date. The Greeks in this matter probably followed the Egyptian practice. Mr. Petrie found at Daphnae a series of "jar stoppings" of mud and straw, each of which was stamped with the king's name in whose reign the jar which they covered was laid down. What then is the intention of these amphora-stamps? It seems probable that they were the official stamp of the magistrate whose duty it was, as we know from other sources, to certify to the legal capacity. Thus M. Dumont (*Inscr. Cér.* p. 42) quotes the analogy of a marble σήκωμα with a similar inscription: the σήκωμα was a table of official weights placed in the agora; and the inscription certifies these weights as examined and found correct by the public official. We must recollect in this connexion that the amphora was a distinct measure of capacity, and is frequently so mentioned in Greek inscriptions. We may therefore conclude that all amphorae intended for this purpose were examined and stamped officially before they underwent the final baking. Of course the amphora of Thasos, Rhodes, and Cnidos need not have been all of the same size: our "Winchester pint" is an analogous case; but this accounts for the small variation in shape and size among all the amphorae from any one of these fabrics during the centuries in which they were being produced.

There is another class of terracotta vessels of which the handles decorated and stamped have been extensively found, and of which the annexed cut gives an illustration. These handles are raised from the rim of large circular vessels, about 2 ft. in diameter, and

11. Brasier handle. (British Museum.)

have a portion projecting considerably towards the interior of the vessel. It has been shown that they belong to circular brasiers or fire-pans, and most of them bear the mark of having been used for this purpose. Three such handles stood around the rim, and the interior projections may have served to support the plates or other utensils which were placed over the burning charcoal. The most usual type is that here given; it consists of a bearded head, usually Bacchic in character, of which the long beard forms the interior projection to the vase: others have floral devices, thunderbolts, &c.: a few are inscribed, the inscription forming part of the mould from which the decoration is cast. With two exceptions, all the inscribed specimens bear the name ΕΚΑΤΑΙΟΥ: one in the British Museum has the name ΝΙΚΟΛΑΟΥ: and one from Naucratis has ΦΙΛΑΤΡΟΥ. These brasier handles have been found extensively in Athens, Italy, Egypt, and along the coast of Asia Minor; but it looks as if the casts for the decorations at any rate had been all issued from one fabric. Benndorf (*Reisen durch Lykien*, vol. i. p. 17) mentions a complete circular altar of terracotta in the Musée Fol at Geneva (*Catal.* No. 743) which has handles with similar decorations. (See Dumont, *Inscr. Cér.* p. 410.) From a quantity of these handles which he found at Naucratis, Mr. Petrie concludes that the earliest type had merely a knob in the interior, low down: this was gradually enlarged upwards until the form gradually suggested a bull's head; and as this projected inwards and upwards, more and more it developed into the bearded head, which type became fixed. (Petrie, *Naukratis*, i. p. 42.)

The better class of Roman ware, particularly the Samian and Arretine, is frequently stamped with the maker's name. As a rule the names are those of freedmen or slaves, and they are often ill-spelt and confused. They seem to have been pressed in from a stamp which is either square, round, or oval. The name of the potter is sometimes accompanied by the letters O, or OF, for *officina*, manufactory; or by M for *manu*, or F for *fecit*, the name of course being in the genitive or nominative, according as the case required.

Like the amphorae, so also the Greek lamps seem to have circulated largely in the ancient world, some having been found by Layard at Nimrud. In Roman lamps, and in Greek lamps of the Roman period, it is usual to find inscriptions stamped on the base: these consist either of the name of the potter in the genitive case, or of the names of emperors. A list of such inscriptions is given in Birch, *Hist. of Pottery*, appendix ii., but the intention of them seems to be by no means clear. The inscriptions stamped beneath Roman lamps are extremely numerous, and seem to point to various intentions, though this point is somewhat obscure. The most usual is the formula which gives the name or the mark, or both, of the potter; the potter's name is usually in the genitive, the word *officina* or *manu* being understood or expressed: one such lamp bears the inscription "from the manufactory of Publius and Titus at the Porta Trigemina." Another class refers to the purpose for which the lamp was made, such as a dedication to a deity, or a sepulchral inscription, or bears a reference to the Secular games, during the celebration of which the city of Rome was illumined for three successive nights: it is possible that this last class of lamps may have been specially made for the Secular illuminations: the form of inscription in this last case is SAECVL or SAECVLARIA.

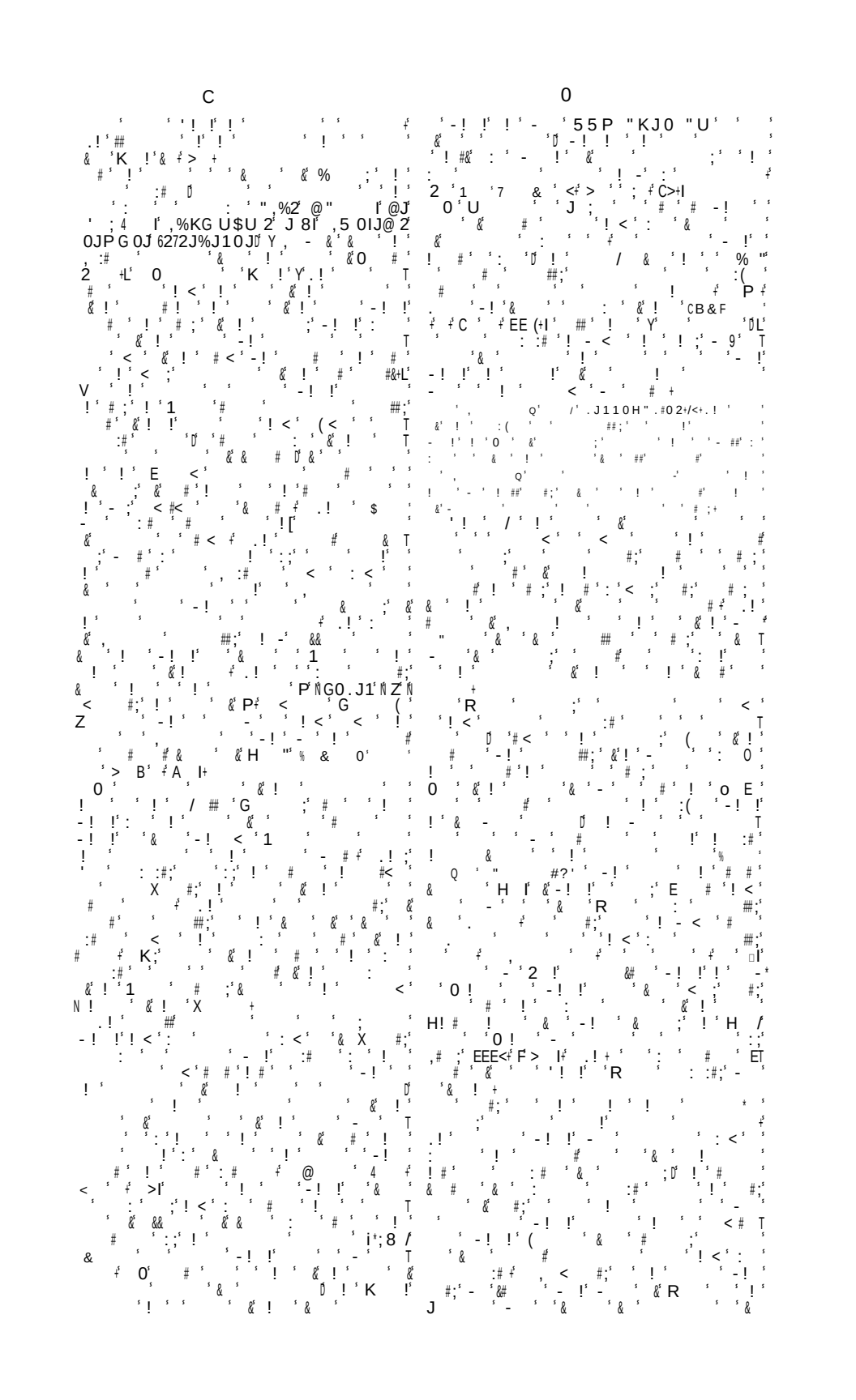
The inscriptions stamped on Greek tiles are as yet very little understood, probably on account of the rarity of such inscribed tiles which have come down to us. Some of these inscriptions, at any rate, seem to refer to a date, in a similar formula to that of the amphora handles, *i.e.* ἐπὶ followed by the name of a magistrate: thus, Birch quotes one from Olbia inscribed:

ΕΠΑΡΙΣΤΩΝ(*ος*)
ΑΣΤΥΝΟΜΟ(*υ*)
ΠΟΣΕΙΔΩΝΙΟ(*υ* or *ς*)

"(This tile was made) in the aedileship of Ariston." The name following may be the name of the month or of the potter. At Corcyra and elsewhere the stamp is merely ἐπὶ τοῦ δεῖνος, the magistracy, whether Prytanis or otherwise, being implied. One in the British Museum has simply ΕΥΦΑΜΟΥ on the edge, with nothing to show whether this refers to maker or magistrate. Some Athenian tiles have the label ΑΘΕ: and some found at Calymna have ΔΙΟ in intaglio or circular labels with monograms in relief on the body of the tile. Some from Sicily have merely a letter, such as Φ, or an emblem, such as the triskelos. All these inscriptions are pressed in from a complete stamp, probably in metal. No Greek inscribed imbrices have as yet been found.

Many of the Roman tiles are inscribed with the names of the consuls of the year in which they were made; this class ranges in date over a period which embraces the second and part of the third centuries A.D.: they occur on the tiles of Italy alone, and it is supposed that a law passed about the time of Trajan obliged the brick and tile makers to affix their distinctive mark upon their wares, possibly as a guarantee of the quality of the clay. These stamps are generally circular, with an emblem in the

12. Tile stamp. (Birch.)



bronze statuary. We read of the earthen group of a quadriga which stood on the Capitoline temple, and which had come from Veii; of the statue of Jupiter on the Capitol, by a Volscian artist, Turrianus of Fregellae; and the *fictiles dei* of these early times are frequently alluded to in the later Roman writers. Specimens of this art have come down to us in the portrait heads of clay which surmount the cinerary vases of early Etruscan art; and also in the nearly life-sized groups of figures which recline on the lids of the sarcophagi from Chiusi and Perugia, and of which one excellent example is in the British Museum. The difficulty of baking so large a group must have been considerable, and the amount of success which these primitive artists have achieved speaks highly for the skill which they had attained. For religious purposes, the art seems to have given place entirely to work in bronze and marble, but it remained still in use in private life, as we see from the terracotta sarcophagi which continued to be modelled down to late times: and Pliny (xxxv. § 156) mentions a certain Arcesilaus, a friend of Lucullus, who was even in that time a noted modeller in terracotta.

The number of Roman terracottas which have come down to us is very large; but the Roman artists seem to have followed mainly in the lines of the Greeks: their figurines are for the most part direct descendants of the Greek statuettes and in some cases even from the same moulds. They are called *sigilla*, and the makers of them *sigillarii* or *figuli sigillares*. For decorative purposes, they seem to have reverted to the practice of modelling larger statues in terracotta: the British Museum has two such statues from Pompeii, which are of imperial times: but probably these were usually covered with stucco and painted.

For the two great classes of statuary in terracotta, two distinct processes would be necessary: that is to say, the larger statues and groups would be modelled by hand, while the smaller statuettes were for the most part cast from a mould.

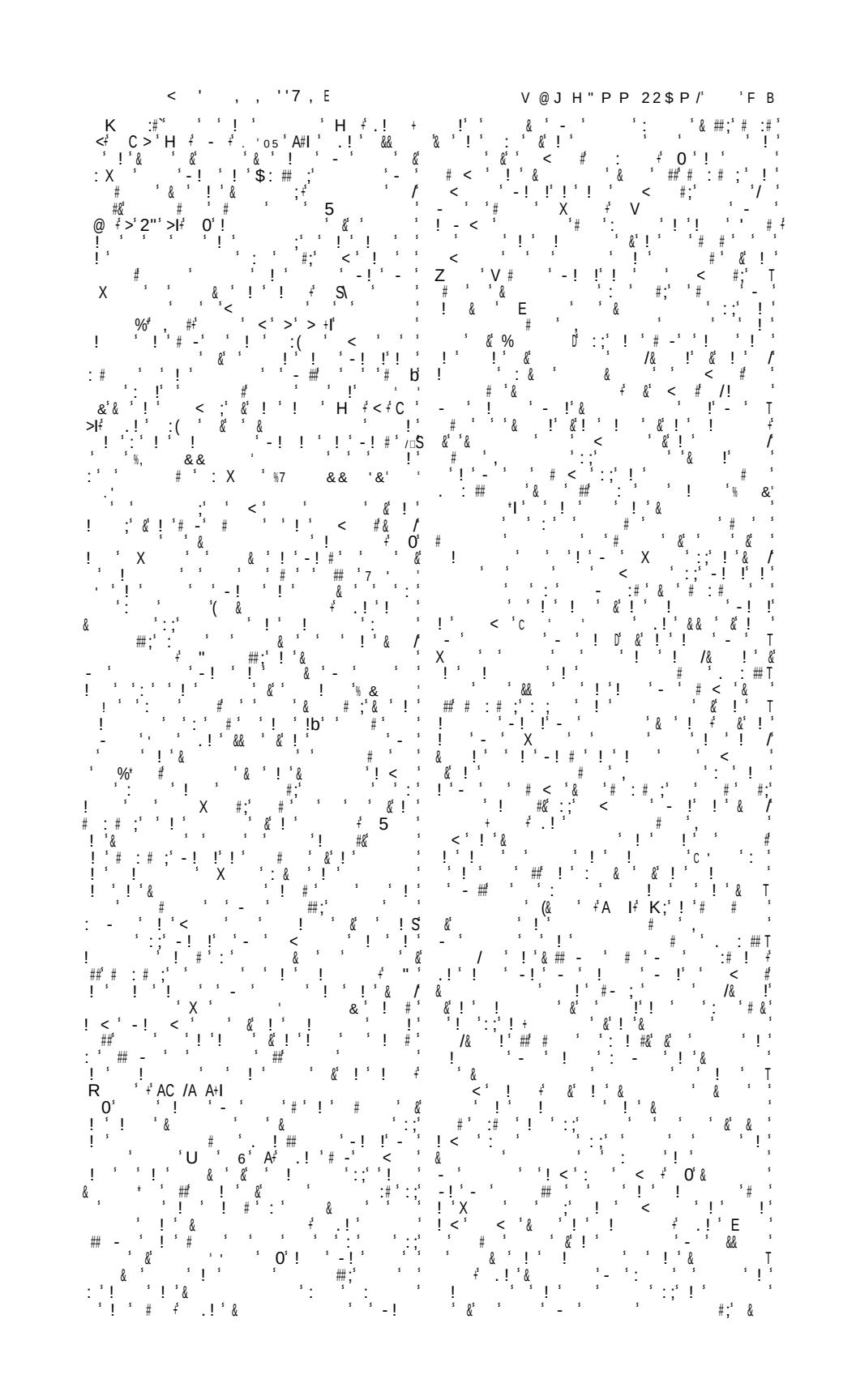
The accompanying woodcut represents Athene

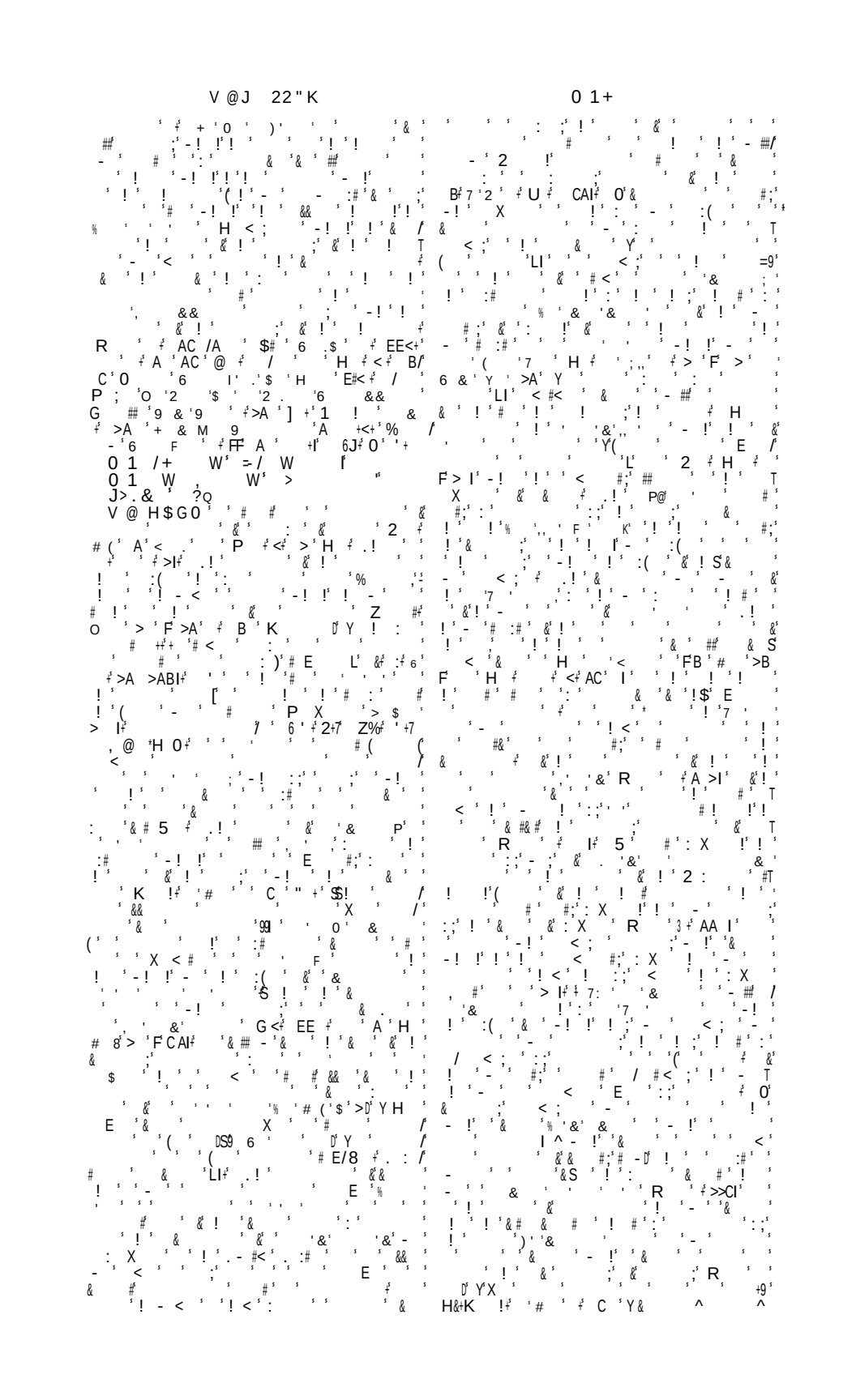
13. Athene modelling.

modelling in clay the Trojan horse. Although the horse of the legend was made of wood, and the instruments which hung in the picture are tools for wood-carving, there can be no doubt that the goddess is here represented working in clay, of which a large lump lies at her feet, and a piece is being laid on in her hand: probably the artist wished to represent the preliminary model in clay (*πρόπλασμα, argilla*), which was as necessary a preliminary to sculpture in wood as it was for sculpture in bronze. The process seems to have been much the same as it is at the present day: either the artist modelled his figure entirely freehand, adding piece upon piece of the wet clay, or he had a skeleton or stand of wood (*κάναβος, stipes, crux*), more or less complicated according to the nature of his work, and around this he modelled his clay. The modelling was done with modelling tools and the finger and nail: the rougher work and the preliminary building up, with the hand (*pollice ducere*), the finer work and finishing with the tools: these tools were made of wood, bone, ivory, bronze, &c., and the most usual form is like a stylus, with one end pointed and the other flat. The final touches would be given with the finger-nail, and this, according to the sculptor Polykleitos, was the most crucial part of the operation: from it the expressions were borrowed of *ἐξονυχίζειν, ad unguem facere*, of a work very highly finished.

These larger statues would as a rule be burnt in an oven: and therein would lie the great difficulty: as the moisture evaporated, the clay would naturally shrink, and if every part did not shrink to the same extent, or evenly throughout, the figure would lose its proportions and possibly crack. We have no evidence as to how the ancients avoided these difficulties: in any case, they probably had special contrivances in the oven for regulating the heat, and assuring an even and gradual drying of every part alike. Otherwise, the ovens for these, and likewise for the smaller statuettes, must have been constructed on the same principle as those described above, for the baking of vases.

The idea of casting from a mould was, as described above, applied to various branches of the fictile art: it seems that the ancients made terracotta casts even from statues in marble and bronze, as we do in plaster. Lystratus, brother of the celebrated sculptor Lysippos, is said to have been the first who adopted this process. Some few of the small statuettes are moulded solid, especially the rougher kinds, such as dolls, neurospasta, &c.: but by far the greater number are cast from moulds. For this purpose the finest clay was used, differing of course according to locality: the usual kind is softer and more porous than that of vases, and varies from a deep red to a pale straw colour. The process is as follows: first a model figure, *protypos*, is made with modelling tools, and from this a mould is taken (usually in one, sometimes in two pieces), which is then baked. The figures, *ektypa*, are made by pressing a thin crust of clay into this mould, and bringing a thin crust across the top: the figure would thus be hollow inside, and open at the base; in the back, which as a rule is left unworked, a hole is cut, in order to allow of the clay contracting evenly without cracks or fissures. When dry, the figure was taken out of the mould and the final touches added; fingers, huts, attributes, where





si quis tempus dubium timens amico potentiori fundum mancipet, ut ei, quum tempus, quod suspectum est, praeterierit, reddat"); and, in fact, this seems to have been the only legal means of making a deposit or a loan of a specific thing according to early law. Fiducia ceased, however, to be used for these purposes when the real contracts of depositum and commodatum were established.

A fiducia was entered into with a creditor for the purpose of mortgaging property to him, the legal estate being conveyed to the mortgagee on the understanding that there should be a re-conveyance when the debt was paid, as in the English common law mortgage. The mortgagor was frequently allowed to remain in possession of the mortgaged property as a kind of tenant at will, and the legal relation thus created, which is called *precarium*, may have originated in this way. A fiducia might be subject to a condition that the mortgagor should forfeit his right to a re-conveyance, if he failed to pay his debt within a certain time (Cic. *pro Flacc.* 21, § 51; *ad Fam.* xiii. 56;—Cat. *de Re Rust.* 146, 2). Such condition was probably the earliest kind of *lex commissoria* (cf. PIGNUS). Fiducia as a form of mortgage continued in use after the forms of pignus and hypotheca were recognised on account of the great security which it gave to the mortgagee. There was frequent mention of it in the writings of the classical jurists, but it has no place in Justinian's legislation, other terms having been substituted for fiducia by the compilers in the passages of the Digest where it would have occurred.

The inscription referred to above is on a bronze tablet, and was found some years ago near the mouth of the Guadalquivir; it contains the terms of a fiduciary mortgage, and is thought to be not later than the second century after Christ (*C. I. L.* ii. 5042; Krüger, *Krit. Unters.* 1870, p. 41 ff.; Hübner in *Hermes*, iii. 283 ff.). (Zachariae, *De Fiducia;* Huschke, *Zeitschr. für gesch. Rechtsw.* xiv. 230; Rein, *Privatr.* 245, 349–351; Bachofen, *Das röm. Pfandrecht,* i. 1, § 2, xix. 4; Dernburg, *Das Pfandrecht,* 1, § 2; Voigt, *XII. Tafeln,* ii. § 86; Degenkolb, *Zeitschr. für Rechtsgesch.* ix. 117 ff.) [G. L.] [E. A. W.]

FIDUCIA'RIA ACTIO. [ACTIO.]

FIGLI'NA ARS. [FICTILE.]

FI'GULUS. [FICTILE.]

FILIUSFAMILIAS. [FAMILIA.]

FI'MBRIAE (*θύσανοι*: in grammarians also *κροσσοί*), thrums; tassels; a fringe.

When the weaver had finished any garment on the loom [TELA], the thrums, *i.e.* the extremities of the threads of the warp, hung in a row at the bottom. In this state they were frequently left, being considered ornamental. Often also, to prevent them from ravelling, and to give a still more artificial and ornamental appearance, they were separated into bundles, each of which was twisted (*στρεπτοῖς θυσάνοις*, Brunck, *Anal.* i. 416 = *Anth. Pal.* vi. 225), and tied in one or more knots. The thrums were thus, by a very simple process, transformed into a row of tassels. The linen shirts, found in Egyptian tombs, sometimes show this ornament among their lower edge, and illustrate, in a very interesting manner, the description of these garments by Herodotus (ii. 81). Among the Greeks and Romans fringes were seldom worn except by females (*κροσσωτὸν χιτῶνα*, Phalaec. *ap.* Ath. x. 440 d = Brunck, *Anal.* ii. 525: cf. Schweighäuser on Ath. vol. x. p. 428; Jacobs on *Anth. Pal.* i. pt. 2, p. 251; Pollux, vii. 64). We find, however, a *κροσσωτὴν ἐφεστρίδα* worn by Lucullus (Plut. *Lucull.* 28); a long-sleeved tunic with *fimbriae* at the wrists, worn by Julius Caesar (Suet. *Jul.* 45; cf. CLAVUS LATUS, p. 454 *b*. The text of Suetonius may, we think, be defended against Marquardt, *Privatl.* 528 n.). Of their manner of displaying them the best idea may be formed by the inspection of the annexed woodcut, taken from a small bronze, representing a Roman lady

Fimbriae. (From an ancient bronze.)

who wears an inner and an outer tunic, the latter being fringed, and over these a large shawl or pallium.

Among barbarous nations the upper garment was often worn by men with a fringe, as is seen very conspicuously in the group of Sarmatians at p. 315 *a*. By crossing the bundles of thrums, and tying them at the points of intersection, a kind of network was produced; the *θυσανὸς δικτυωτός*, hung with bells, which adorned the bier of Alexander the Great, must have been of this description (Diod. xviii. 26). The ancients also manufactured fringes separately, and sewed them to the borders of their garments. They were likewise made of gold thread and other costly materials. Of this kind was the ornament, consisting of a hundred golden tassels, which surrounded the mythical shield of Jupiter, the *αἰγὶς θυσανόεσσα*, and which depended from the girdle of Juno (Hom. *Il.* ii. 448, v. 738, xiv. 181, xv. 229, xvii. 593, xviii. 204, xxi. 400). In consequence of the tendency of wool to form itself into separate bundles like tassels (*θυσανηδόν*, Aelian, *H. A.* xvi. 11), the poets speak of the golden fleece as consisting of them (Pind. *Pyth.* iv. 411; Apoll. Rhod. iv. 1146); and Cicero, declaiming against the effeminacy of Gabinius, applies the same expression to his curled locks of hair (*in Pis.* 11, § 25). [J. Y.] [W. W.]

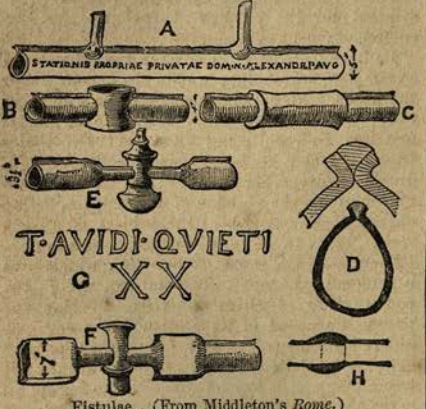
FINITO'RES. [AGRIMENSORES.]

FI'NIUM REGUNDO'RUM A'CTIO. This was an action having for its original object

arranged under penalties and forfeitures. Thus, if a man was led to commit suicide, in consequence of having done some criminal act (*flagitium*), or if a man made counterfeit coin, his property was forfeited to the fiscus. Treasure trove (*thesaurus*) which was found in certain places was also subject to a claim on the part of the fiscus. (Dig. 49, 15; Cod. 10, 1; Cod. Theod. 10, 1; Paul. *Sent. Rec.* v. 12; *Fragm. veteris Jurisc.* "*de jure Fisca*," *ap.* Savigny, *System*, vol. ii.; Mommsen, *Staatsr.* ii. 2, p. 957 ff., from which much of the information in the above article has been taken; Hirschfeld, *Untersuchungen*; Heimbach, art. Fiscus in Weiske's *Rechtslexicon*.) [G. L.] [E. A. W.]

FISTU'CA, an instrument used for ramming down pavements and threshing-floors and the foundations of buildings (Cato, *R. R.* 18, 28; Plin. *H. N.* xxxvi. §§ 185, 186, 188; Vitruv. iii. 3, s. 4, § 1; x. 3, s. 2, § 3); and also for driving piles (Caes. *B. G.* iv. 17). When used for the former purpose, that of making earth solid, it was no doubt a mere log of wood (shod perhaps with iron), with handles to lift it up; just like a paviour's rammer. But in the case cited from Caesar, where it was used for driving the piles of his bridge over the Rhine, it is almost evident that it must have been a machine, something like our pile-driving engine (or monkey), by which a heavy log of wood, shod with iron, was lifted up to a considerable height and then let fall on the head of the pile. It is probable that *fistuca* and *festuca* are two forms of the same word and connected with *fustis*. In the passages of Pliny *festuca*, *festucare* are now read with MS. authority. [P. S.] [W. W.]

FI'STULA (σωλήν), a water-pipe. Vitruvius (viii. 6) distinguishes three modes of conveying water: by channels of masonry (*per canales*



Fistulae. (From Middleton's *Rome*.)

structiles), by leaden pipes (*fistulis plumbeis*), and by earthen pipes (*tubulis fictilibus*).* Of these two sorts of pipes the leaden were the more commonly used in distributing the water from aqueducts: though draining-pipes of earthenware were extensively used, as in modern times, and many examples have been found. The lead pipes were made by rolling thick plates, in lengths of ten feet, round a wooden core; the edges were then brought together and soldered with melted lead. The resulting form was not perfectly cylindrical, but pear-shaped in section, having a sort of ridge where the edges of the plate were somewhat roughly joined together. (See fig. D.) The pipes were made of much thicker lead than is the custom now, as much as 20 lbs. to the square foot in existing specimens (Middleton, p. 460); at points where there was heavy hydraulic pressure they were strengthened or replaced by bronze pipes, and the taps and stop-cocks (*epistomia*, figs. E, F) were likewise of that metal.

In the manufacture of these pipes, particular attention was paid to the bore and to the thickness. The accounts of Vitruvius, Frontinus, and other writers are not in perfect accordance; but it appears, from a comparison of them, that two different systems of measurement were adopted,—namely, either by the width of the plate of lead (*lamina* or *lamna*) before it was bent into the shape of a pipe, or by the internal diameter or bore (*lumen*) of the pipe when formed. The former is the system adopted by Vitruvius (*l. c.* § 4); according to him, the leaden plates were cast of a length not less than ten feet, and of a width containing an exact number of *digits* (sixteenths of a foot), which number was of course different for different sized pipes; and then the sizes of the pipes were named from the number of digits in the width of the plates, as in the following table, where the numbers on the right hand indicate the number of pounds which Vitruvius assigns to each ten-feet length of pipe:—

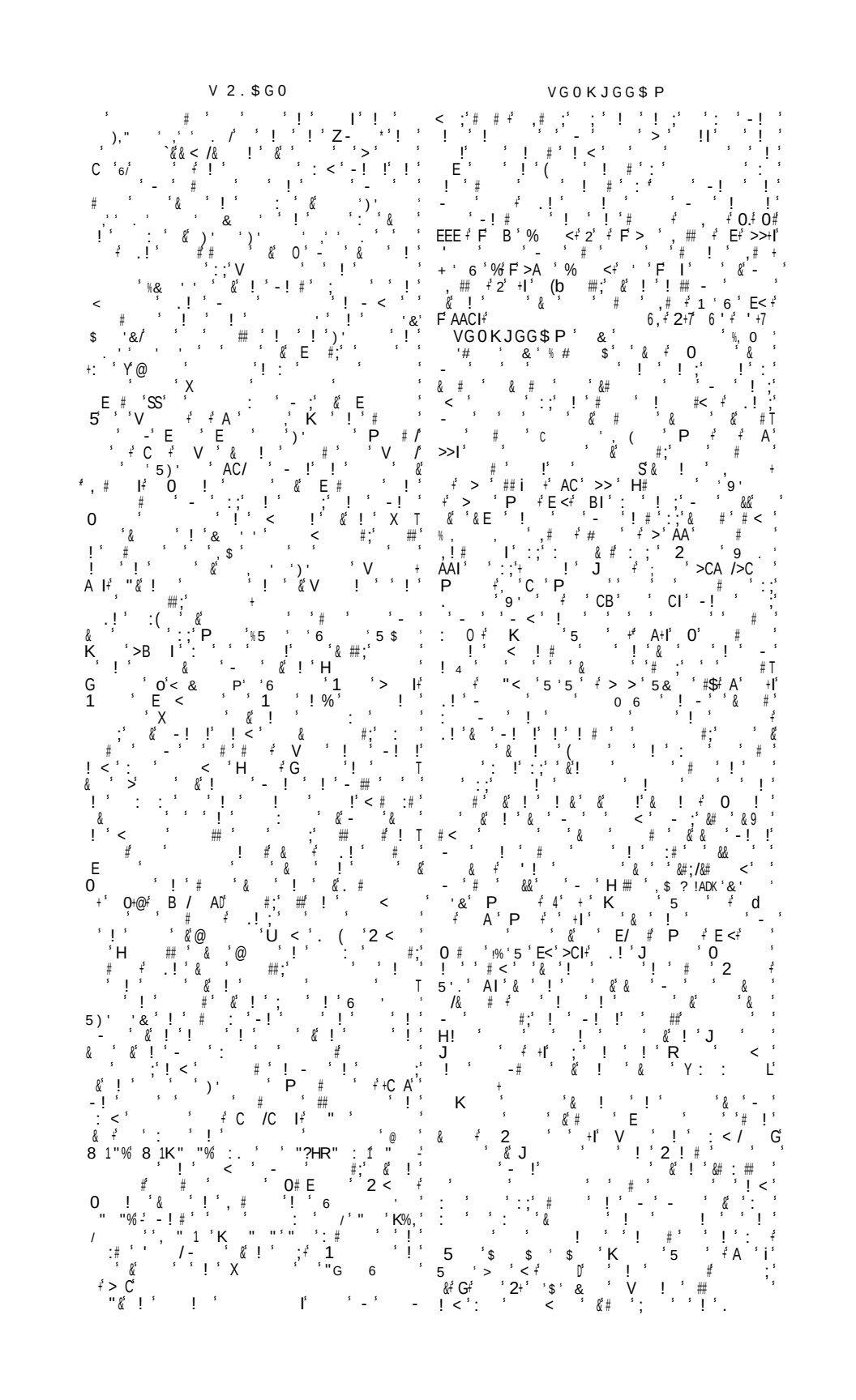
Centenaria, from a plate	100	digits wide	:	1200 lbs.
Octogenaria	80	,,	:	960 ,,
Quinquagenaria	50	,,	:	600 ,,
Quadragenaria	40	,,	:	480 ,,
Tricenaria	30	,,	:	360 ,,
Vicenaria	20	,,	:	240 ,,
Quindena	15	,,	:	180 ,,
Dena	10	,,	:	120 ,,
Octona	8	,,	:	96* ,,
Quinaria	5	,,	:	60 ,,

If this scale is correct, the thickness of the plates must have been the same for pipes of all sizes; namely, such that each strip of lead, ten feet long and one digit wide, weighed twelve pounds. The account of Vitruvius is followed by Pliny (*H. N.* xxxi. §§ 57, 58) and Palladius (ix. 12).

Frontinus, who enters into the subject much more minutely, objects to the system of Vitruvius as too indefinite, on account of the variation which is made in the shape of the pipe in bending up the plate of lead; and he thinks it more probable that the names were derived from the size of the internal diameters, reckoned

* The etymological distinction between *fistula* and *tubus* seems to be that the former, which originally signified "a flute," was a small pipe, the latter a large one; but, in usage, at least so far as water-pipes are concerned, it seems that *fistula* is applied to a leaden pipe, *tubus* and *tubulus* to one of any other material, especially of terracotta, as in the above and the following passages. (Varr. *R. R.* i. 8; Colum. i. 5; Plin. v. § 128, xvi. § 224, xxxv. § 159; Frontinus, see below).

* Pliny and Palladius, and even the ancient MSS. of Vitruvius, give here C, which, however, is clearly an error of a transcriber who did not perceive the law of the proportion, but who had a fancy for the round number.



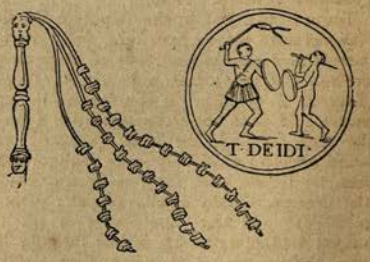
terracotta figures (Guhl and Koner, ed. 5, p. 234; Hermann-Blümner, *Privatalterth.* p. 196; cf. Marquardt, *Privatl.* p. 145). The history of fans in all ages and countries has been written by S. Blondel (*Hist. des Éventails*, Paris, 1875) and H. Frunberger (*Gesch. des Fächers*, Leipzig, 1876).

A more homely application of the fan was its use in cookery (Aristoph. *Ach.* 669, 888; FOCUS). In a painting which represents a sacrifice to Isis (*Ant. d'Ercolano*, ii. 60), a priest is seen fanning the fire upon the altar with a triangular flabellum, such as is still used in Italy. This practice gave origin among classical writers to expressions corresponding to ours, meaning to fan the flame of hope (Alciphr. iii. 47), of love (*διπίζειν*, Brunck, ii. 306), or of sedition (Aristoph. *Ran.* 360; Cic. *pro Flacc.* 23, § 54). [J. Y.] [W. W.]

FLAGRUM, *dim.* FLAGELLUM (*μάστιξ*), a whip, scourge.

It may be broadly stated that the corporal punishment of freemen was, like other forms of torture, "abhorrent to Greek manners" [CRUX, p. 567 *a*]. The exceptions noticed by Thalheim (*Rechtsalterth.* p. 127) prove little against this rule. The military and paternal government of Sparta allowed old men to use their walking-sticks (*βακτηρίαι*) on those who were guilty of unseemly conduct in public (*τοὺς ἀκοσμοῦντας*, Dion. Hal. xx. *fr.* 2=13 Kiessling); a very different thing from flogging as commonly understood. We are not surprised to read that Cinadon and his associates, who had planned a wholesale massacre of their fellow-citizens, were scourged on the way to execution (Xen. *Hell.* iii. 3, § 11). But we entirely reject the notion, based only on scholiasts and grammarians and unsupported by contemporary evidence, that the Athenian market was patrolled by men with whips, even if they were only to be used against non-citizens [AGORANOMI]. The strong feeling against *ὕβρις*, or open violence, extended even to slaves ([Xen.] *Rep. Ath.* 1, § 10; Aeschin. *c. Timarch.* § 17). Not only was the use of the *μάστιξ* limited to slaves, but we find no trace of its infliction in public, as among the Romans (Liv. ii. 36). A slave who had been flogged was called *μαστιγίας* (Aristoph. *Eq.* 1228, *Ran.* 501, *Lysistr.* 1240; Philem. *fr.* 143 M.), which of course became a term of mockery and contempt. Through the comic writers, *mastigia* passed into Latin (Plaut. *Capt.* iii. 4, 68, and often; Terent. *Adelph.* v. 2, 6). Among the different kinds of whips we find the *σκυτίνη μάστιξ*, Lat. *lorum* or *scutica* (Anacr. *fr.* 19=21 Bergk[4]); one called *ὑστριχὶς* with a lash of bristles (Aristoph. *Ran.* 619; *Pax*, 746); another, the most terrible of all, called *ἀστραγαλωτή*, because strung with *ἀστράγαλοι* or knuckle-bones (Crates, *fr.* 32 M. *ap.* Poll. x. 54; Lucian, *Asin.* 38, p. 606 R.; Posidon. *ap.* Ath. iv. 153 *a*).

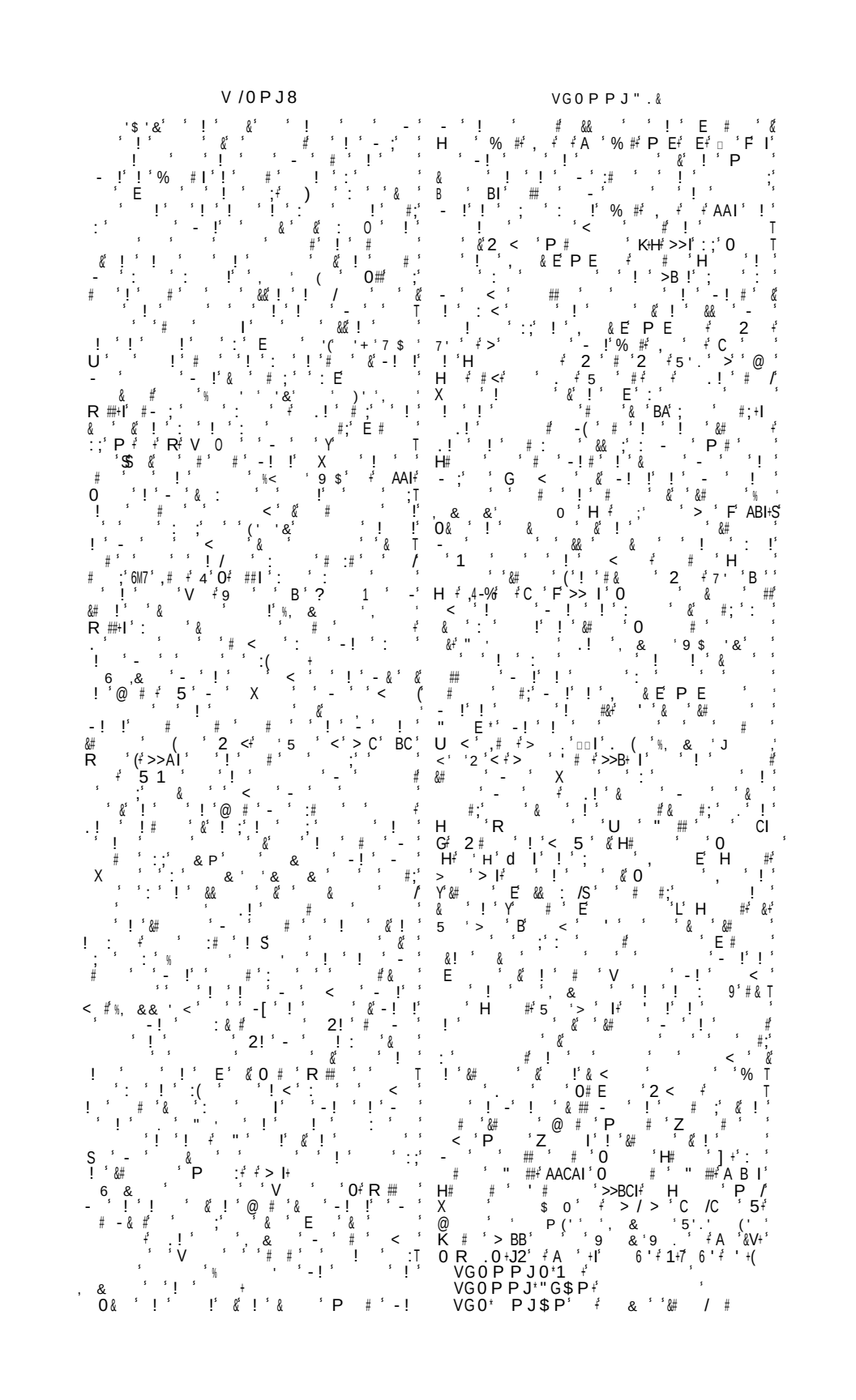
At Rome the scourging of citizens had been forbidden from very early times (Liv. x. 9; Cic. *Rab. Perd.* 4, § 12; *in Verr.* v. 66, § 170). Unprivileged persons, and especially slaves, were scourged in a variety of ways, of which the flagellum was the worst (*horribili flagello*, Hor. *Sat.* i. 3, 119). It was a "knout" or "cat," with lashes of knotted cord, or even wire; like the *ἀστραγαλωτὴ* of the Greeks, it might be loaded with knuckle-bones (*tali*, whence *talaria*, sc. *flagella*, Senec. *de Ira*, iii. 19, § 1), or other cruel aggravations (cf. Apul. *Met.* viii. p. 173). The cut below represents a scourge taken from a bas-relief of the statue of Cybele in the Capitoline Museum at Rome. The infliction of punishment with it upon the naked back of the sufferer (Juv. vi. 477) was sometimes fatal (Hor. *Sat.* i. 2, 41), and was carried into execution by a class of persons, themselves slaves, who were called *lorarii*. Some flagella found at Herculaneum consist of several short chains with knobs of metal at the end, attached to a short handle. Rich, who figures one of them, thinks that this sort was the *flagrum*, the other the *flagellum*; other writers treat flagrum and flagellum as equivalent (Marquardt, *Privatl.* 179, n. 3; Becker-Göll, *Gallus*, ii. 176). The stimuli mentioned by Plautus are probably goads or other sharp-pointed instruments used separately (Göll), not spikes fastened to the flagellum (Marquardt); so *μαστιγούμενος καὶ κεντούμενος*, Xen. *l. c.* Less severe forms of corporal punishment were with the cane (*νάρθηξ*, *ferula*), the leathern strap (*habena*, *scutica*, *lorum*, Hor. *Sat.* i. 3, 119; *Ep.* i. 16, 47, ii. 2, 15; cf. *bubulis exuviis*, Plaut. *Most.* iv. 1, 26); the rope's end (Hor. *Epod.* 4, 3, where the *Hiberici funes* are made of esparto grass, and different from the flagella of *v.* 11). During the Saturnalia the scourge was deposited under the seal of the master. We likewise find that some gladiators fought with the flagellum, as in the coin here introduced: it has two lashes, as is also the case with some driving-whips figured in ancient paintings.



Flagellum.

For the *virgae* of the lictors, see FASCES. For corporal punishment in schools, *ferulae* and *lora* are mentioned (Juv. i. 15, with Mayor's note; Mart. x. 62); see also a curious painting from Herculaneum figured in Rich, *s. v.* "Ludus," and in Milman's *Horace*. [J. Y.] [W. W.]

FLAMEN, the name for any Roman priest who was devoted to the service of one particular god (DIVISQUE ALIIS ALII SACERDOTES, OMNIBUS PONTIFICES, SINGULIS FLAMINES SUNTO, Cic. *de Leg.* ii. 8, § 20), and who received a distinguishing epithet from the deity to whom he ministered (*Horum*, sc. flaminum, *singuli cognomina habent ab eo Deo quoi sacra faciunt*, Varr. *L. L.* v. 84). The ancients derived the word from *filum*, as if *flamen*, from the peculiarity of their head-dress (Varr. *l. c.*; Fest. *Epit.* 87; Serv. *ad Aen.* viii. 664, x. 270; Dion. Hal. ii. 64) or from *pilleus* (Plut. *Num.* 7). The real derivation, it is tolerably certain, is from *flare* in a transitive sense, to "blow up" a fire; the flamen was always a *sacrificing* priest. The office is called



veil, worn by a Roman bride, the colour of which is described as *luteus* (Plin. *H. N.* xxi. § 46; "lutea flammea," Lucan, ii. 361). The diminutive *flammeolum* (Juv. x. 334), used of the bridal veil of Messalina, probably indicates only a veil of finer texture than usual. It was a long veil covering the head, and, with the exception of the face, descending over the back to the feet, whence it is described by the grammarians as a kind of dress ("flammea genus amicti," Schol. *ad* Juv. vi. 225; "vestimentum," Fest. p. 92, 16; "flammeo amicitur nubens," Fest. p. 89, 3). It is so represented in works of art, and is frequently mentioned by the Roman writers in connexion with marriage ("flammeum cape," Cat. lx. 8; "flammea sumit," Juv. ii. 124; "flammea texuntur sponsae," Mart. xi. 78, 3; "puellae caput involverat flammeo," Petron. 26, 1). Though the flammeum did not entirely cover the face, yet from its falling over the forehead usually it is described as concealing the countenance ("velare vultus," Lucan, *l. c.*; Mart. xii. 42, 3). When the bride was brought into the nuptial chamber, the veil was removed by the bridegroom (Claudian, *de Laud. Stilich.* ii. 368).

Bride with the Flammeum. (From the Aldobrandine Marriage.)

Festus says (p. 89) that the bride wore the *flammeum* because it was always used by the Flaminica, the wife of the Flamen, who could not obtain a divorce. But this is not correct. It has been pointed out by Rossbach that the *flammeum* was part of the dress of the Flaminica, because it was in ancient times worn by all Roman matrons in performing sacrificial rites. It was originally identical with the *ricinium* and *rica*, except in colour, which is also described as a portion of the dress of the Flaminica, though subsequently the *ricinium* was made smaller and became only a head-dress. [RICINIUM.]

The *flammeum* being a symbol of marriage, *flammea conterit* is said of a Roman matron who changes her husband repeatedly (Juv. vi. 225). The *flammeum* continued to be worn by the bride in the imperial period down to the fourth and fifth centuries, and along with the *palla* was the characteristic dress of the bride (Claudian, *in Nupt. Hon. et Mar.* 284; Mart. Capell. v. p. 538, Kopp). The use of the veil in the marriage ceremony was adopted in the Christian Church, and is described by Tertullian (*de Veland. Virgin.* c. 11) as a praiseworthy heathen custom. The colour of the Christian veil was purple and white, though the name *flammeum* was sometimes used (St. Ambros. *de Virg.* c. 15; *de Inst. Virg.* c. 17). [See *Dict. Christ. Ant.* ii. p. 1108.]

The *flammearii* in Plautus (*Aul.* iii. 5, 36) are usually supposed to be the makers of the *flammeum* or the bridal veil; but as they are mentioned by Plautus along with the *violarii*, they are more probably the dyers of the colour, and are so explained by Festus (p. 89, 11), "flammearii, infectores flammei coloris." This colour, as we have seen, is called *luteus* from *lutum*, "weld" (*reseda luteola*, Linn.). (Marquardt, *Privatl.* pp. 43, 489; Becker-Göll, *Gallus*, ii. p. 29; Blümner, *Techn.* i. p. 243; Rossbach, *Röm. Hochzeit*, &c., Leipz. 1871.) [W. S.]

FLEXU'MINES. [EQUITES.]

FLORA'LIA, or Florales Ludi, a festival which was celebrated at Rome in honour of Flora or Chloris. It was said to have been instituted in 238 B.C., on the occasion of the dedication of a temple to Flora by the aediles L. and M. Publicius in the Circus Maximus (*C. I. L.* i. 392), at the command of an oracle in the Sibylline books, for the purpose of obtaining from the goddess the protection of the blossoms (*ut omnia bene deflorescerent*, Plin. *H. N.* xviii. § 286: compare Vell. Pat. i. 14; Varr. *de Re Rust.* i. 1). In the consulship of L. Postumius Albinus and M. Popilius Laenas (173 B.C.), it was made an annual festival, at the command of the senate, by the aedile C. Servilius (Mommsen, *Röm. Münzw.* p. 645; compare Ovid, *Fast.* v. 329, &c.), as the blossoms in that year had severely suffered from winds, hail, and rain. By degrees it was extended to six days (April 28—May 3). The celebration was, as usual, conducted by the aediles (Cic. *in Verr.* v. 14, 36; Valer. Max. ii. 10, § 8), and was carried on with excessive merriment, drinking, and lascivious games (Mart. i. 3; Senec. *Epist.* 96). From Valerius Maximus (cf. Schol. *Juv.* vi. 250; Senec. *Epist.* 97, 8) we learn that theatrical and mimic representations formed a principal part of the various amusements, and that it was customary for the assembled people on this occasion to demand the female actors to appear naked on the stage, and to amuse the multitude with their indecent gestures and dances. This indecency is probably the only ground on which the absurd story of its origin, related by Lactantius (*Institut.* i. 20), is founded. The last day was devoted to a beast-hunt in the circus, but there were no races. Similar festivals, chiefly in spring and autumn, are in southern countries seasons for rejoicing, and, as it were, called forth by the season of the year itself, without any distinct connexion with any particular divinity; they are to this day very popular in Italy (Voss. *ad* Verg. *Georg.* ii. 385), and in ancient times we find them celebrated from the southern to the northern extremity of Italy. (See ANTHESPHORIA, and Justin, xliii. 4.) The Floralia were originally festivals of the country people (Preller, *Röm. Myth.* 379), which were afterwards, in Italy as in Greece, introduced into the towns, where they naturally assumed a more dissolute and licentious character, while the country people continued to celebrate them in their old and merry but innocent manner. And it is highly probable that such festivals did not become connected with the worship of any particular deity until a comparatively late period. (Buttmann, *Mytholog.* ii. p. 54.) This

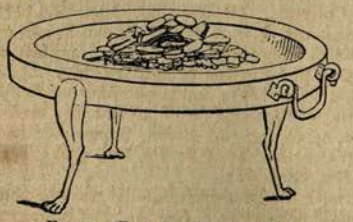
would account for the late introduction of the Floralia at Rome, as well as for the manner in which we find them celebrated there. (See Spanheim, *de Praest. et Usu Numism.* ii. p. 145, &c.) [L. S.] [A. S. W.]

FOCA'LE, a covering for the throat (*fauces*), sometimes drawn also over the ears (Mart. iv. 41), made of wool and worn by infirm and delicate persons. Its use by others was regarded as effeminate (Hor. *Sat.* ii. 3, 255; Senec. *Nat. Quaest.* iv. 13; Quintil. xi. 3, § 144; Mart. xiv. 142). [J. Y.] [W. W.]

FOCUS, dim. Fo'CULUS (ἑστία: ἐσχάρα, ἐσχάριον, dim. ἐσχάριον), a fire-place; a hearth; a brasier. The fire-place, while serving all the requirements of ordinary life, possessed a sacred character both among the Greeks and Romans. In the primitive Greek house the ἐσχάρα stood against, or near, the back wall of the μέγαρον, the kitchen and living-room of the family: in the more spacious dwellings of a later age it was transferred, with other objects of domestic worship, to a small private chapel, vaulted so as to resemble the Tholos (θόλος), the dome-shaped ἑστία of the state (Hermann-Blümner, *Privatalt.* p. 151, where the identity of ἑστία and ἐσχάρα is maintained; Guhl and Koner, ed. 5, p. 97). The well-known use of the hearth as a sanctuary for suppliants occurs as early as Homer (*Od.* vii. 153–169: cf. Apoll. Rhod. iv. 693; Thucyd. i. 136).

Among the Romans the fire-place was dedicated to the Lares of each family (Plut. *Aul.* ii. 8, 16; Cato, *de R. R.* 15; Ov. *Fast.* i. 135, vi. 302); a consecration which did not interfere with its homely uses (Hor. *Epod.* 2, 43; *Epist.* i. 5, 7; Ov. *Met.* viii. 673; Senec. *Cons. ad Helv.* 10, § 7). On festivals the housewife decorated the hearth with garlands (Cato, *de R. R.* 143; Ov. *Trist.* v. 5, 10); a woollen fillet was sometimes added, nor were animal sacrifices unknown (Propert. v. 6, 1–6). The phrase "pro aris et focis" expressed attachment to all that was most dear and venerable (Cic. *N. D.* iii. 40, § 94; Flor. iii. 13). At Rome, likewise, the progress of wealth and refinement led to the removal of the focus and penates to an inner apartment (Marquardt, *Privatl.* 234): the change from the single *atrium* or "house-place" to the more elaborate arrangement of a separate dining-room, culina, and Lararium is described under DOMUS, p. 670 *a*, 672 *b*. In the Pompeian houses we see the *atrium*, now become a reception room, adorned with a fountain and a marble table [CARTIBULUM], but no longer with a hearth.

The focus was usually a fixture, constructed of stone or brick, and elevated a few inches



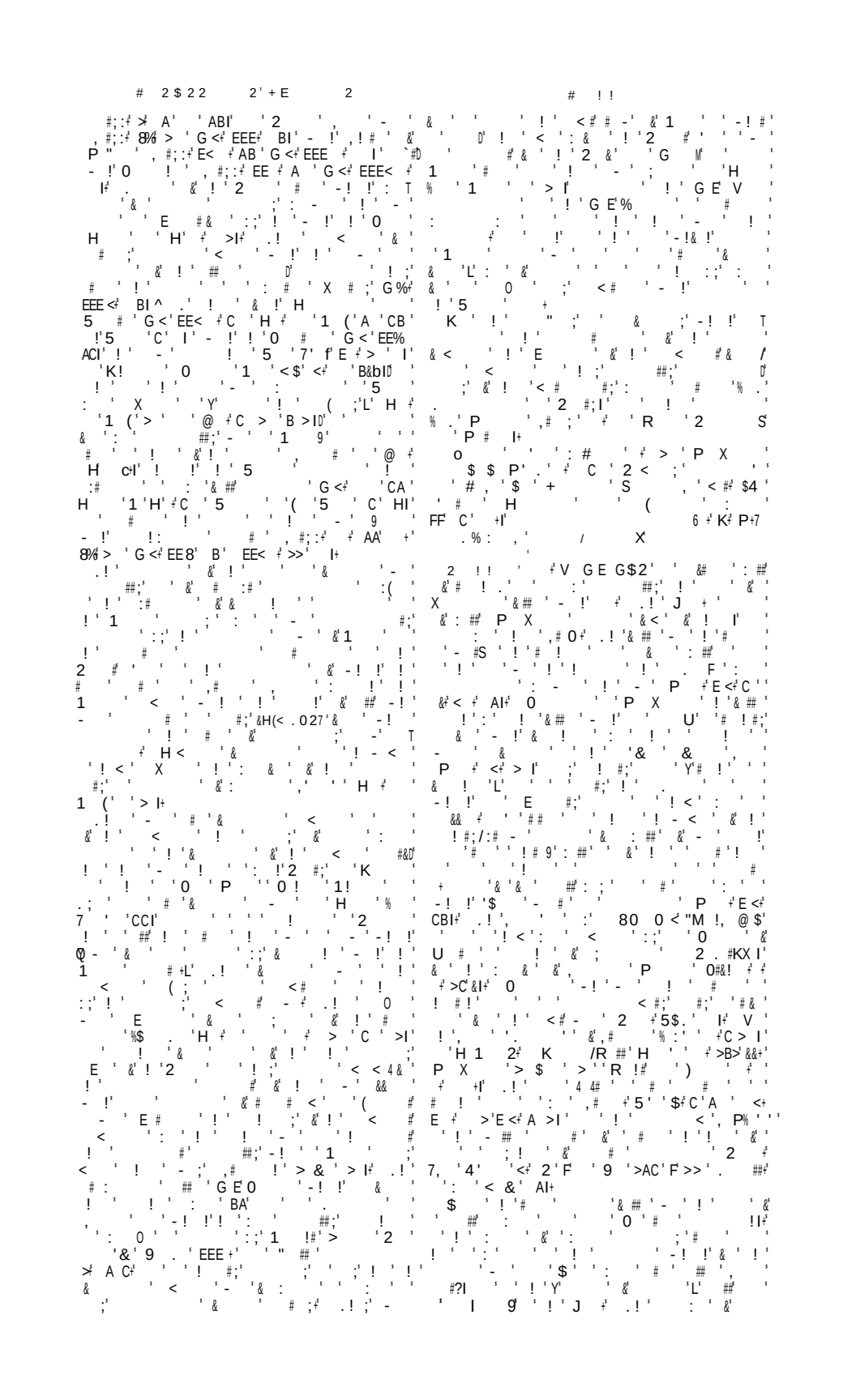
Focus. (From British Museum.)

above the ground; see the first figure on p. 672 *a*. It was also frequently made of bronze, variously ornamented, and could then be carried from room to room. One is shown under BALNEAE, p. 276 *b*: another, found at Caere in Etruria, and preserved in the British Museum, is represented in the annexed woodcut.

The small portable brasier or chafing-dish, called *foculus* or ἐσχάριον, was especially used in sacrifices; and the same name was applied to the hollow or fire-pan at the top of an altar (Liv. ii. 12; Cic. *pro Domo*, 47, § 123; ARA). The movable focus or foculus was also employed in the kitchen (Plaut. *Capt.* iv. 2, 68; Juv. iii. 262), and for keeping things hot was brought into the dining-room (Senec. *Ep.* 78, § 23). The treasures of Herculaneum and Pompeii are rich in illustrations of this kind of focus, whether pictorial or in bronze vessels actually preserved. See CALDARIUM, and the second cut under AUTHEPSA. [J. Y.] [W. W.]

FOEDERA'TAE CIVITA'TES, FOEDERA'TI, SO'CII. In extending her influence and dominions beyond the seven hills, Rome followed two alternative courses. One was to conclude a treaty of alliance with a community between which and herself there had previously been no relation; the other was to reduce such community to complete subjection by conquest or enforced surrender (Liv. xxxiv. 17; iv. 30; viii. 2). Where there was a treaty of alliance (*foedus*), the allied community was described by the terms prefixed to this note. At first of course such allies were exclusively Italian; in particular the Socii and Latini, who forced on the Social War B.C. 90, though no town which had obtained the Roman civitas, or which was a Roman or Latin colony [COLONIA], was said to be foederata. But even long before that war Rome had attached allies to herself by treaty outside Italy, both states governed on the republican principle, and foreign princes (*e.g.* Ptolemaeus Philadelphus, B.C. 273, Dio Cass. 147; and Hiero of Syracuse, a year later, Polyb. i. 16). After the extension of the Roman imperium into the provinces, two kinds of foederati populi or civitates have to be distinguished: those whose territory lay within the bounds of a Roman province, and those which were genuinely foreign (Dig. 49, 15, 7). The latter, however, after the subjection of the kings of Macedon and Syria, were constantly becoming mere tribute payers to Rome (Liv. xlii. 6; xlv. 13, 44), and as a general rule had to be content with concealing their practical vassalage (Sallust, *Jug.* 14; Florus, iii. 1) under the thin disguise of "friends and allies of the Roman people" (Caesar, *B. G.* i. 3, 35, 43; iv. 12; vii. 31;—Cic. *pro lege Manilia*, 5, 12).

The foedera were of three orders (Dig. 49, 15; 5, 2), stipulating merely for friendship between the contracting parties, or for reciprocal hospitality, or for military subvention. Those of the first order (Polyb. iii. 22; Liv. xxxviii. 38) provided that the two states should not engage in war with one another without first making every attempt at an amicable settlement (*e.g.* the treaty with Alba, Dionys. iii. 3), and contained regulations as to the sojourn of the citizens of each on the territory of the other, and the measure of legal protection they should enjoy (*e.g.* Carthage, Polyb. iii. 22–24). Other terms in such treaties, especially when concluded after a war, are exemplified by those with Carthage after the Sicilian



that went to a bag was probably 500, and its worth $\frac{1}{72}$ of a solidus, or less than 1*s.* 1½*d.* From this the follis became, under Constantine and his successors, a "money of account," which was used in reckoning gold and silver as well as copper (Euseb. *H. E.* x. 6, § 1; Cod. Theod. vi. 2, 8; vi. 4, 21). The silver unit in Constantine's system was the *miliarense*, representing the value of $\frac{1}{1050}$ of a pound of gold, now coined into 72 gold *solidi*. The follis of silver contained 125 *miliarensia*, $\frac{1}{8}$ of a pound of gold, or 9 *solidi*. So debased was the coinage at this time, and so high the premium on gold, that the denarius, the unit of copper, had dwindled to $\frac{1}{6000}$ of a gold coin, the solidus, worth no more than the English mark or about 13*s.* 4*d.*; while in the impoverished last days of the Western Empire as many as 7200 denarii went to a solidus (*Novella* of Valentinian III., A.D. 445, tit. 14, § 1). One of the compulsory presents to the emperor, exacted from senators, was also called follis (Marquardt, *Staatsverw.* iii. 236 n.). Many points about the mode of reckoning by folles still remain obscure: the above facts may be regarded as tolerably well established. (Mommsen, *Münzw.* p. 839; Hultsch, *Metrol.* pp. 251, 252; and especially Marquardt, *Staatsverw.* iii. pp. 42-47).

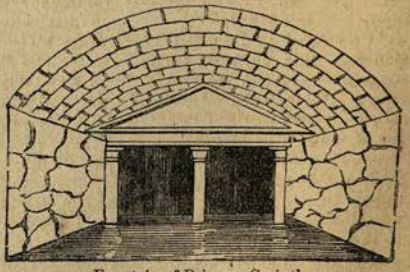
Two inflated skins, constituting *a pair of bellows*, and having valves adjusted to the natural apertures at one part for admitting the air, and a pipe inserted into another part for its emission, were an essential piece of furniture in every forge and foundry (*Il.* xviii. 372, 409, 470; Verg. *Aen.* viii. 449). The Greek word is usually φῦσαι from Homer downward, poetically πρηστῆρες, Apoll. Rhod. iv. 775: the ζώπυρα of Ephorus (*ap.* Strab. vii. p. 303), sometimes translated "bellows" (as by L. and S., ed. 7), are more probably some sort of tinder, touchwood, or "kindlers," Lat. *fomes*, though Photius and Suidas likewise explain ζωπύρια or -εῖα by φῦσαι. According to the nature and extent of the work to be done the bellows were made of the hides of oxen (*taurinis follibus*, Verg. *Georg.* iv. 171), or of goats (*hircinis*, Hor. *Sat.* i. 4, 19), and other smaller animals. The Homeric bellows were small, and used in large numbers; there was one to every melting-pot or crucible (*Il.* xviii. 470). So in Herodotus (i. 68) δύο φῦσαι are not "a pair of bellows," but, as the context shows, two distinct pairs, each sending forth a separate blast. The nozzle of the bellows was called ἀκροφύσιον or ἀκροστόμιον (Thucyd.

Bellows. (From a lamp.)

iv. 100; Eust. on *Il.* l. c.). In bellows made after the fashion of those exhibited in the lamp here introduced from Bartoli (*Ant. Lucerne*, iii. 21), we may imagine the skin to have been placed between the two boards so as to produce a machine like that which we now employ. [J. Y.] [W. W.]

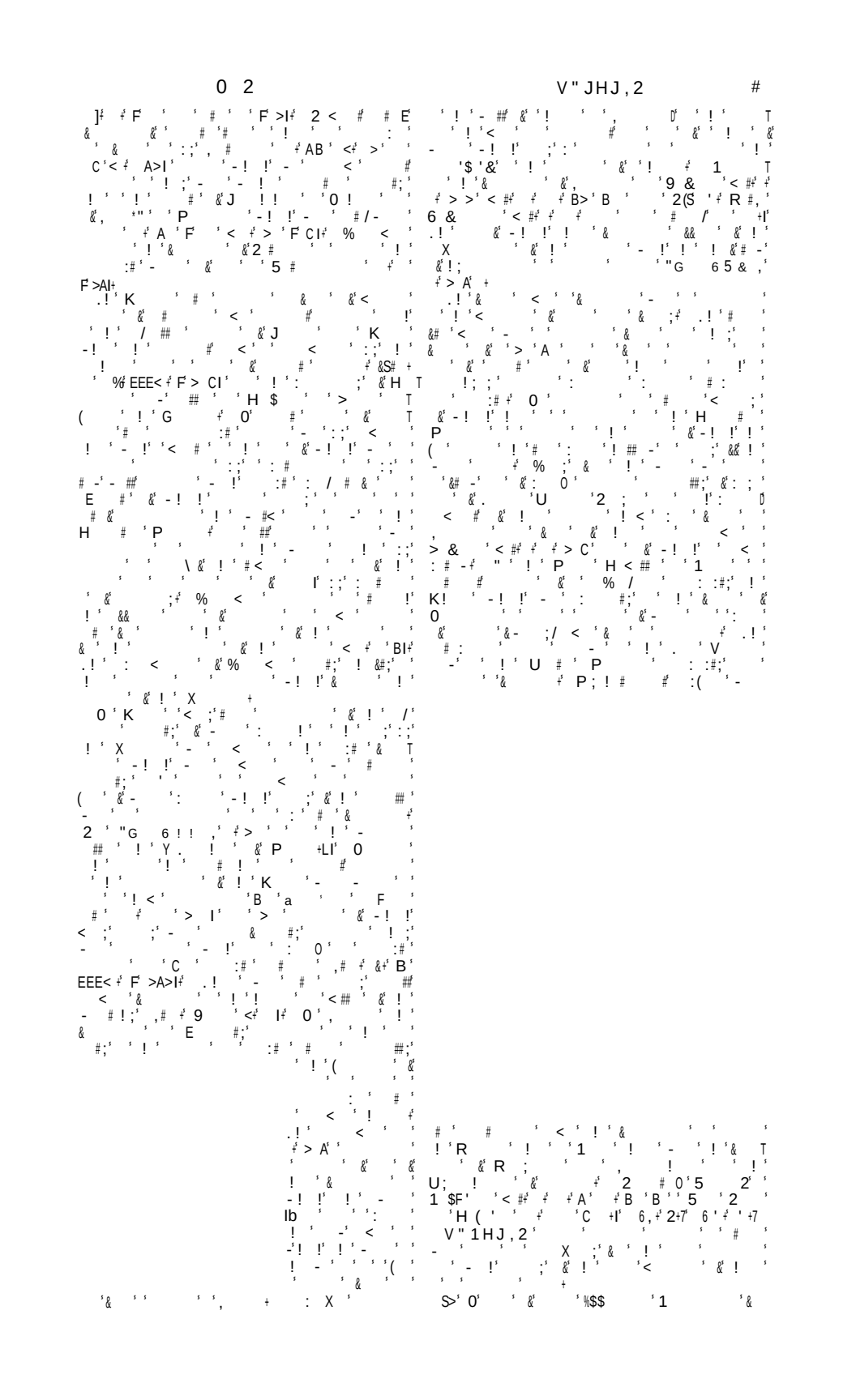
FONS (κρήνη) signifies originally a natural spring of water, but both the Greeks and Romans had artificial fountains, made either by covering and decorating a spring with buildings and sculpture, or by making a jet or stream of water, supplied by an elevated cistern, play into an artificial basin. Such fountains served the double purpose of use and ornament. Among the Greeks, they formed the only public supply of water except the rain-water which was collected in cisterns [AQUAEDUCTUS]; and at Rome, the poorer people, who could not afford to have water laid on to their houses, no doubt procured it from the public fountains.

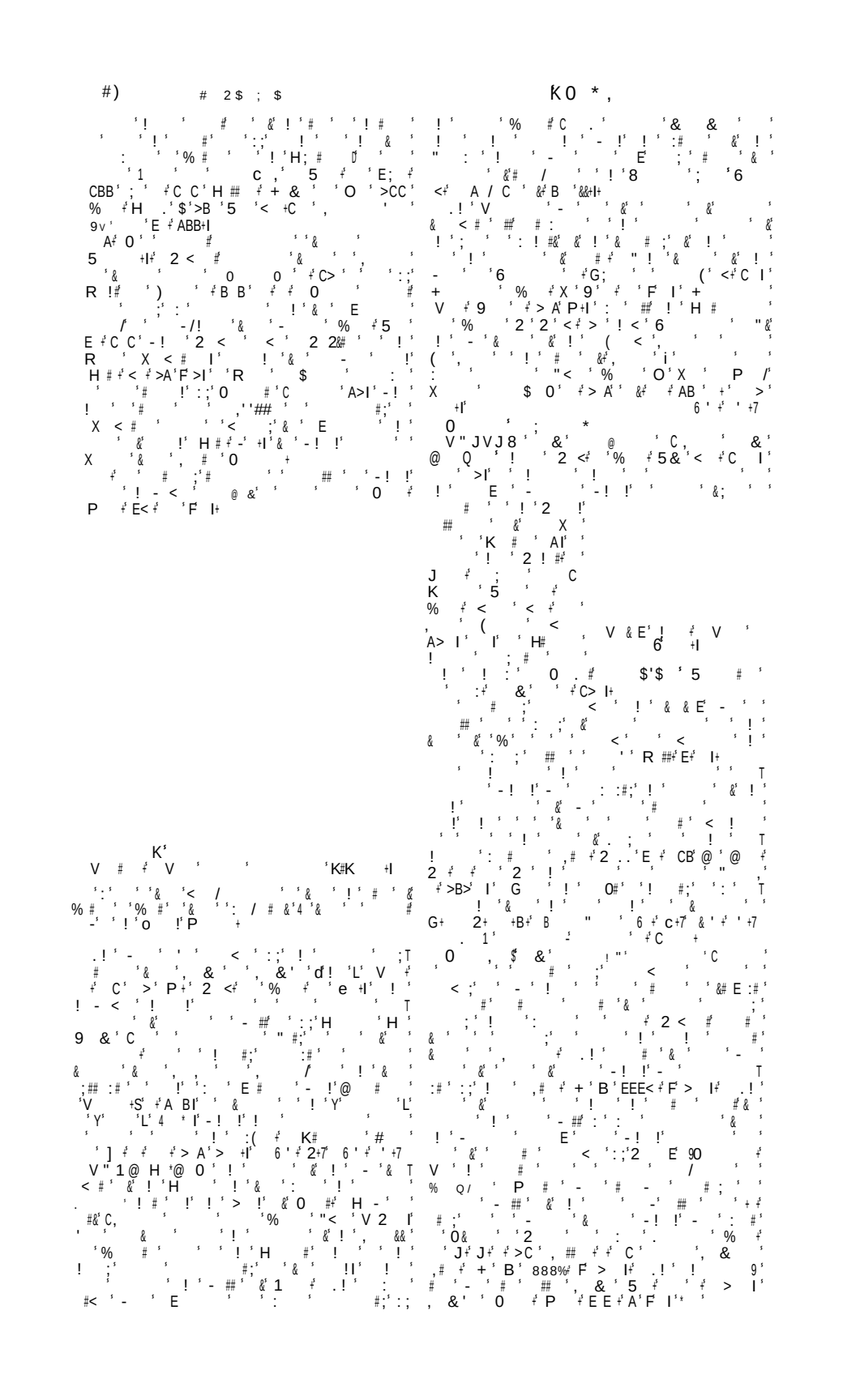
Several examples of natural springs, converted into ornamental fountains, in the cities of Greece, have been mentioned under AQUAEDUCTUS. They were covered to keep them pure and cool, and the covering was frequently in the form of a monopteral temple: there were also statues, the subjects of which were suggested by the circumstance that every fountain was sacred to some divinity, or they were taken from the whole range of mythological legends. That at Megara, erected by Theagenes, is described by Pausanias as worth seeing for its size, its beauty, and the number of its columns (i. 40, § 1). That of Peirene at Corinth was adorned with covered cisterns of white marble

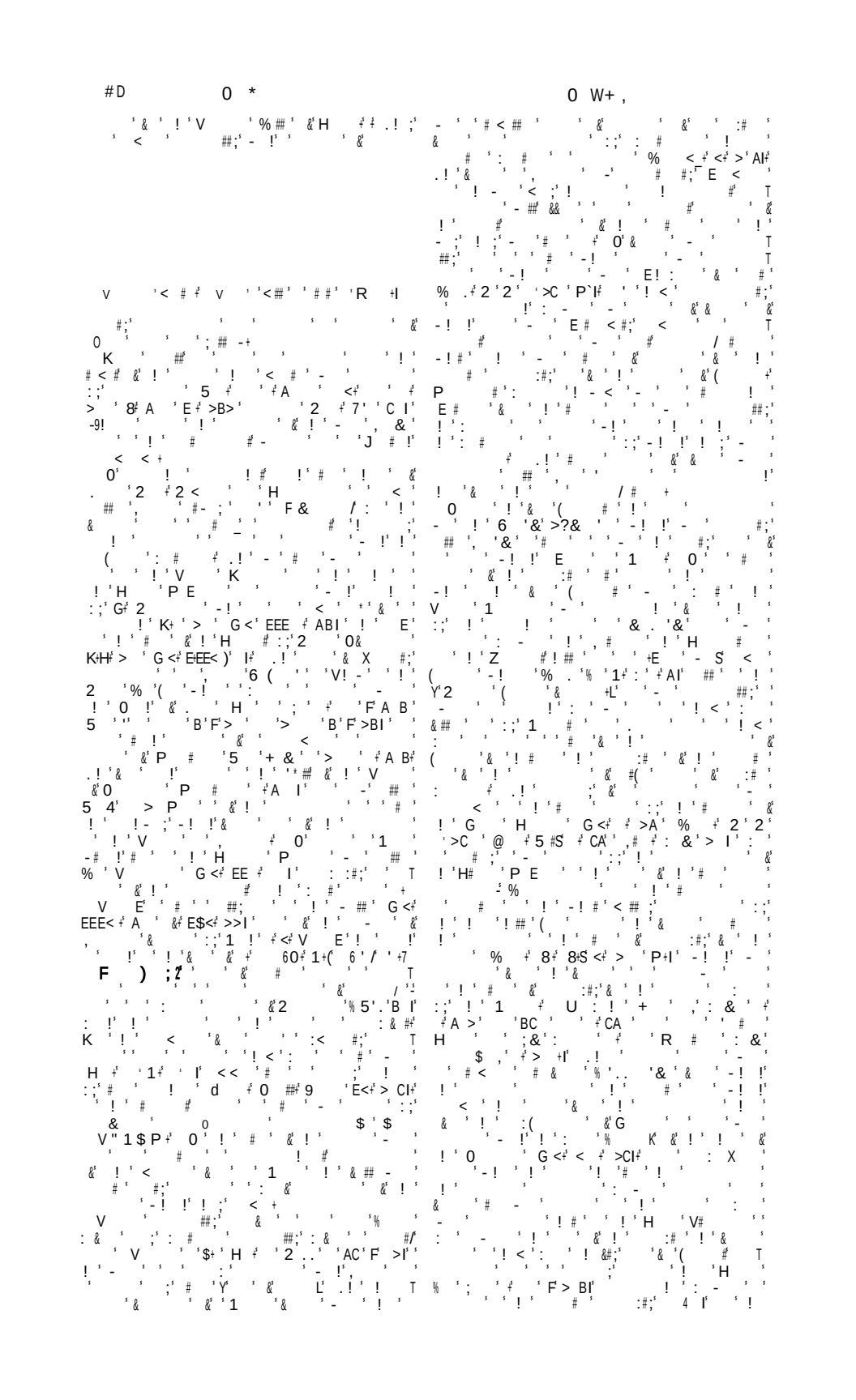


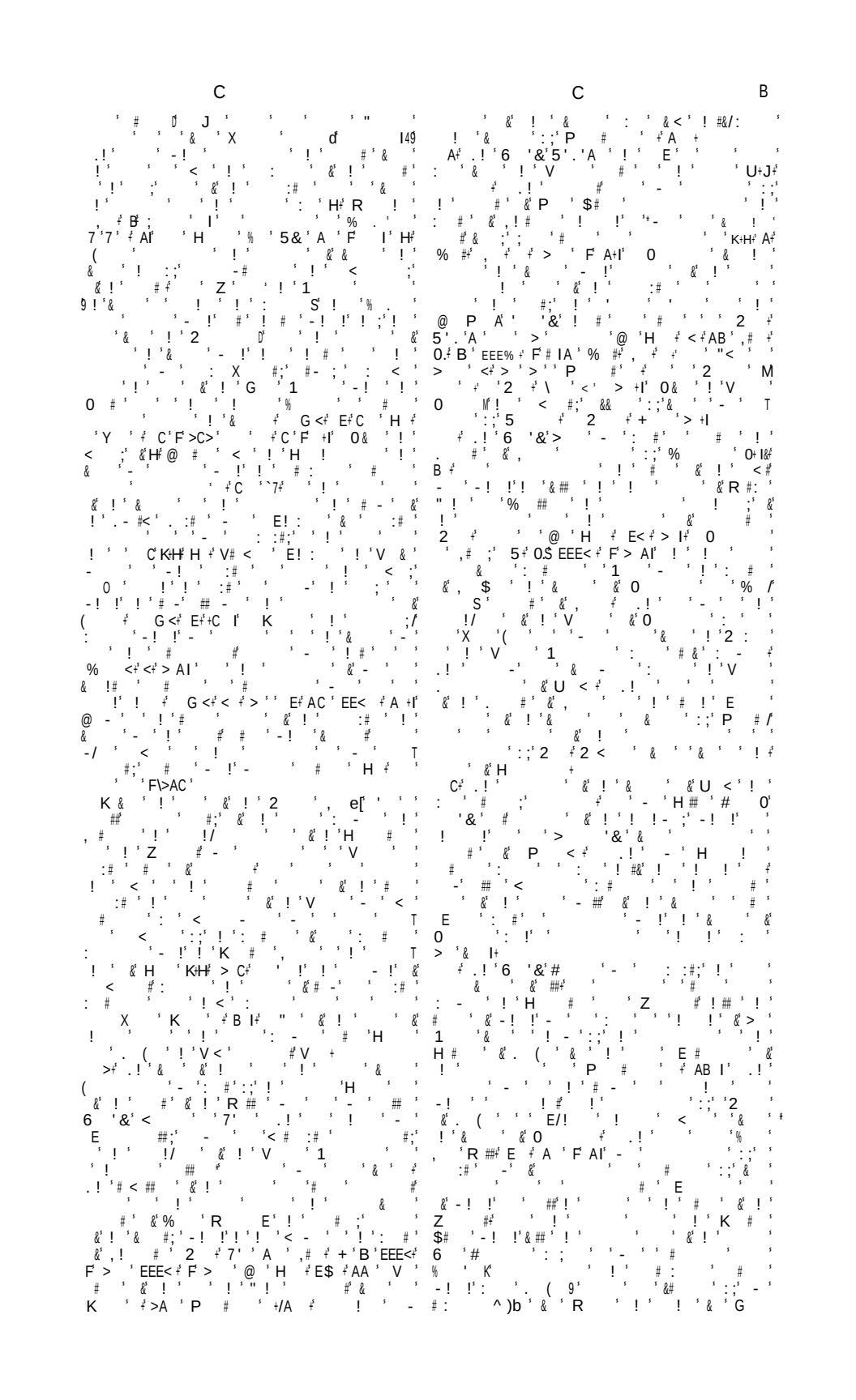
Fountain of Peirene, Corinth.

like grottoes, out of which the water flowed into the open air, and with a statue of Apollo, and was enclosed with a wall, on which was painted the slaughter of the suitors of Ulysses (Paus. ii. 3, § 3; see a paper by Göttling, on the present state of this fountain, and of the *Craneion*, with an engraving of the source of the Peirene, in Gerhard's *Archäologische Zeitung* for 1844, pp. 326, 328; the engraving is given above). Corinth contained numerous other fountains; over one of which was a statue of Bellerophon and Pegasus, with the water flowing out of one of the horse's hoofs (*ib.* § 5); over another, that of Glauce, was the Odeium (*ib.* § 6); and another was adorned with a bronze statue of Poseidon, with a dolphin at his feet, out of the mouth of which the water flowed (Paus. ii. 2, § 7, s. 8). In the same city was another fountain on a still grander scale; namely, that of Lerna, which was surrounded by a colonnade with seats for those who desired a cool retreat in summer; the water was no doubt collected in a spacious basin in the centre









MSS.; at the upper end it was closed by the temple of Trajan, dedicated by his successor. For full topographical details, see Burn, pp. 141–153; Middleton, pp. 268–281.

Fora of Sallust, of Aurelian, and of Diocletian are mentioned in the regionary catalogues, but are mere names to us.

Different from these fora were the numerous markets at Rome, more useful than ornamental, and some of them reaching back to a very high antiquity. The most important was the *Forum Boarium*, or cattle market, occupying a large space between the Velabrum and the Tiber; the notion that it derived its name from the statue of an ox, whencesoever imported (Ov. *Fast.* vi. 477; Plin. *H. N.* xxxiv. § 10), can hardly be right, as it was almost certainly so named long before statues were introduced at Rome. Another legend connected the name with the oxen of Hercules, stolen by Cacus (Propert. v. 9, 19–20). Others which took their names from the goods sold in them were the *forum olitorium* and *piscatorium*, for vegetables and fish (Varr. *L. L.* v. 146; Col. viii. 19), *suarium* for pigs (Dig. 1, 12, 1), *cupedinis* (Varr. *L. L.* v. 41) or *cupedinarium* (Symm. *Ep.* viii. 19) for dainties. On the whole subject see Burn, *Rome and the Campagna*, chaps. v. vi. vii. xii.; Middleton, *Ancient Rome in* 1885, chaps. v. vi. viii. [L. S.] [W. W.]

FOSSA. [CASTRA.]

FRAMEA. [HASTA.]

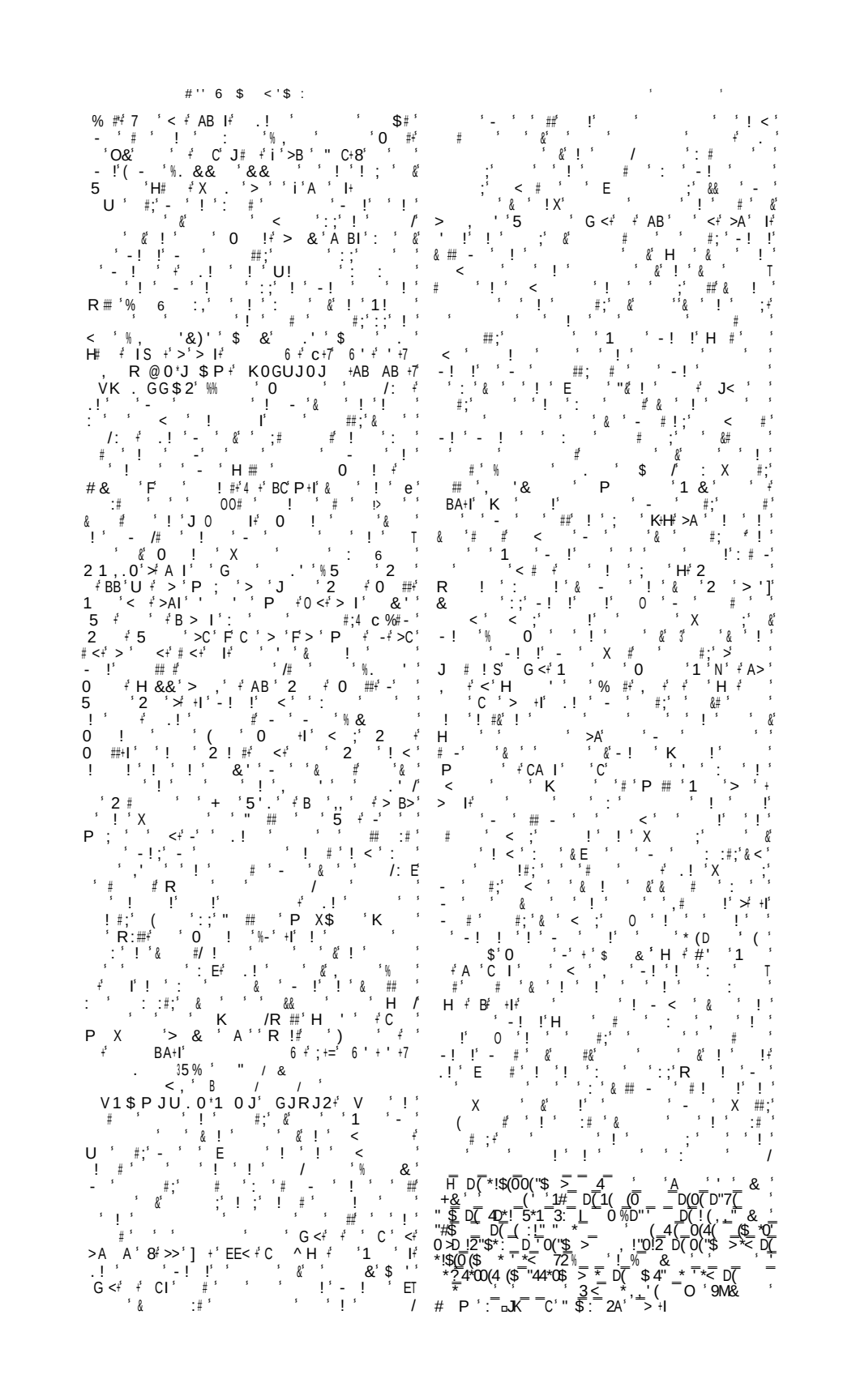
FRENUM (χαλινός), a bridle, including the bit, headstall, and reins. It was properly the bit as distinct from the reins (ἡνίαι); but in Xenophon (*de Re Eq.* 6, § 7), where he is instructing the groom in the mode of putting it on, χαλινὸς is the whole bridle, the several parts of it the ἡνίαι, στόμιον, and head-piece (κορυφαία). So, in Latin, *frena* in the plural is used for the whole bridle. The invention was mythically ascribed to Athena, who gave it to Bellerophon as the means of subduing Pegasus (Pind. *Ol.* xiii. 85 ff.). The annexed woodcut, from an

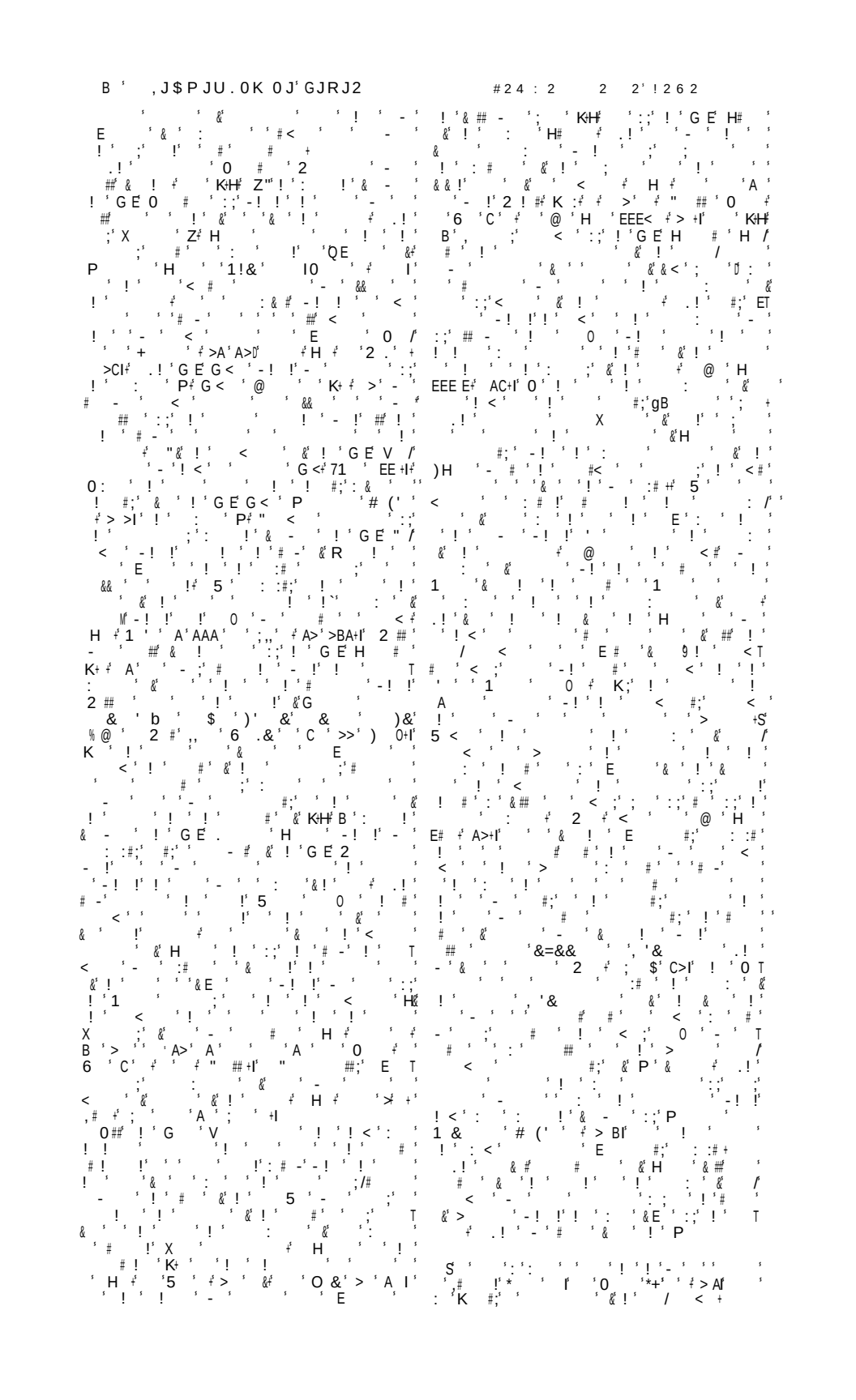
Pegasus receiving the bridle.

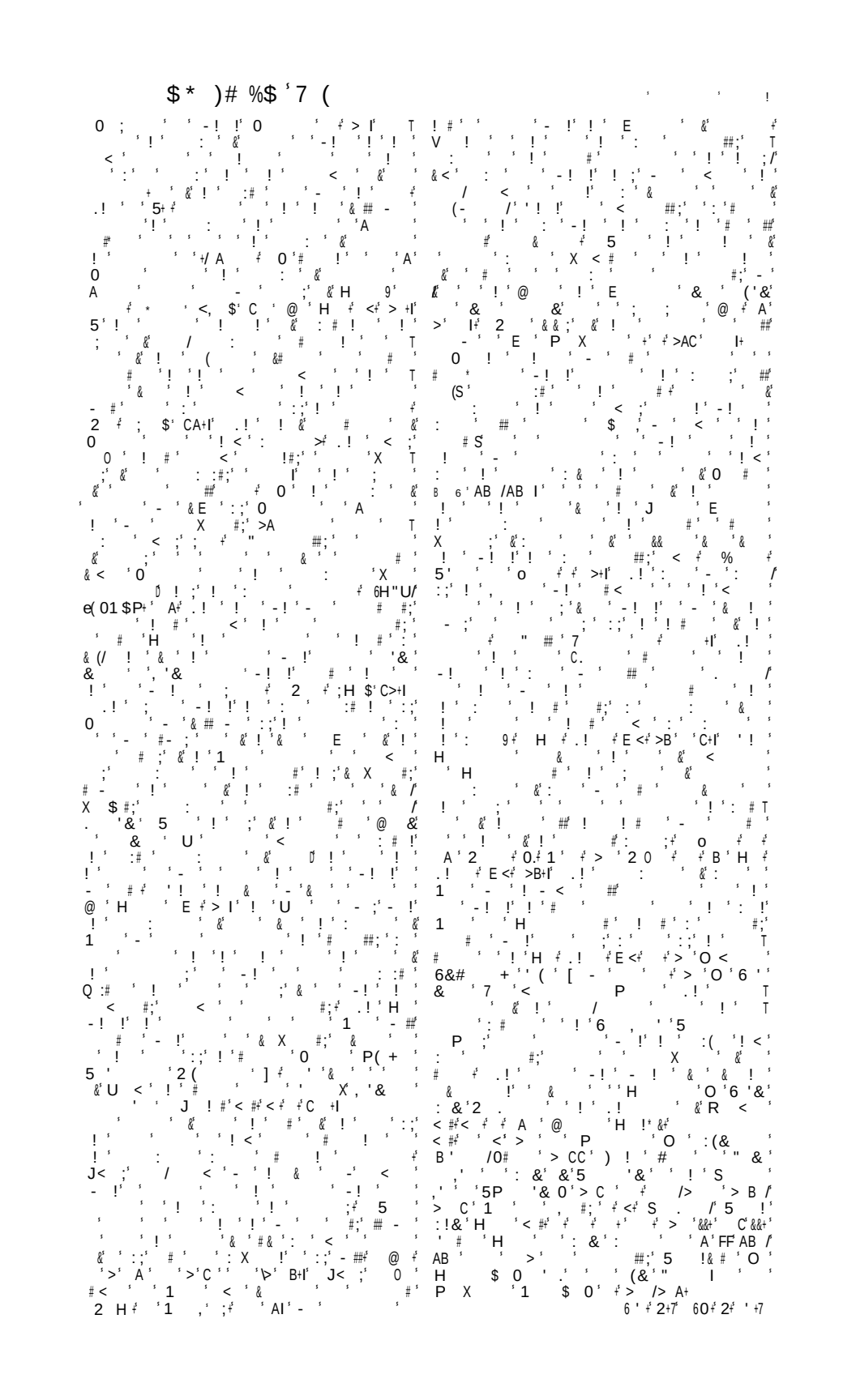
antique, represents the winged horse submitting to receive it as he slaked his thirst at the fountain of Peirene. In reference to this event, Athena was worshipped at Corinth under the titles Ἵππια and Χαλινῖτις (Paus. ii. 4, §§ 1, 5). The several parts of the bridle, more especially the bit, are engraved from ancient authorities in the treatises of Invernizi (*de Frenis*), Ginzrot (*Ueber Wagen und Fahrwerke*), and Bracy Clark (*Chalinology*, Lond. 1835). Illustrations have been already given under AMPYX, CARPENTUM, CLITELLAE, CURRUS, and EPHIPPIA; to these we add a beautiful specimen from the Castellani Collection in the British Museum. This is of bronze, and was found in Southern Italy; it is believed to date from pre-historic times, and shows the high antiquity of the ornamental bridles described below [cf. CATENA].

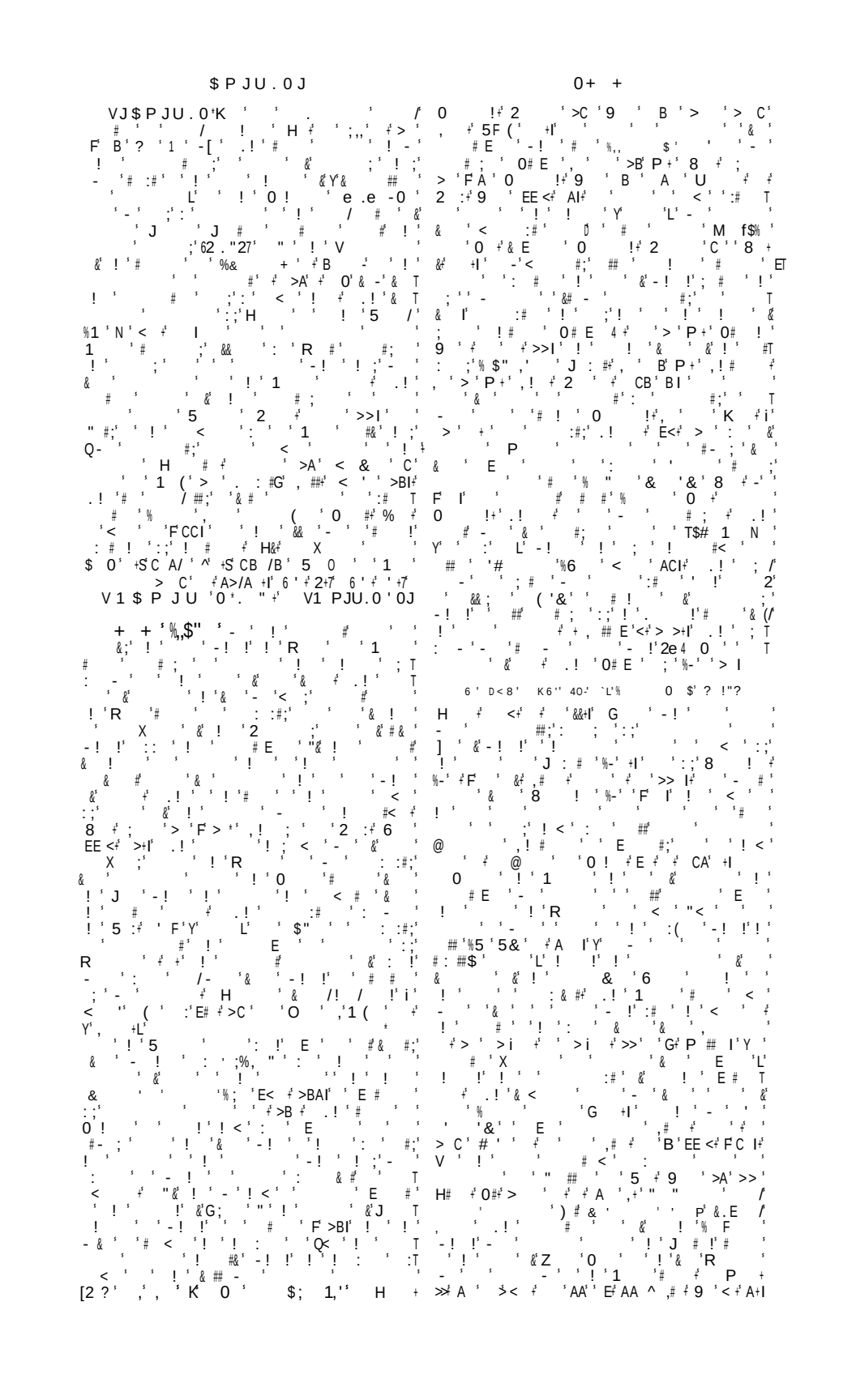
Ancient bronze bridle. (British Museum.)

The bit (στόμιον, Xen. *l. c.*, Aesch. *Prom.* 1009; rarely δῆγμα, Brunck, *Anal.* ii. 237 = *Anth. Pal.* vi. 233: in Latin *frenum* is the only word in use, but *oreae* is quoted from Titinius, *ap.* Fest. *s. v.*) was commonly made of several pieces, and flexible, so as not to hurt the horse's mouth; for the Greeks considered a kind and gentle treatment the best discipline, although, when the horse was intractable, they taught it submission by means of a curb armed with sharp points. Xenophon recommends the use of two bits, a snaffle (λεῖος χαλινός) and a curb (ὁ ἕτερος), the latter with sharp prickles (ἐχῖνοι, *op. cit.* 10, § 6). From the resemblance to wolves' teeth, a bit of this kind was called *lupatum* in Latin (Verg. *Georg.* iii. 208; Hor. *Carm.* i. 8, 7; Ov. *Amor.* i. 2, 15). The bit was held in its place by a strap (ὑποχαλινιδία, sc. ἡνία), or a curb-chain (ψάλιον, Aristoph. *Pax*, 155); a halter or thong, distinct from the reins, was sometimes fastened to this chain or strap by means of a ring, and was used to lead the horse (ῥυταγωγεύς: all three words in Xen. 7, § 1). The upper part of the bridle, by which it was fastened behind the ears, is called by Xenophon κορυφαία (3, § 2; 6, § 7), and it included the AMPYX, which was often ornamental. The cheek-pieces (παρήϊον, Hom. *Il.* iv. 142; παραγναθίδιον, Eustath. *ad loc.*), which joined this headstall to the bit, were also in some cases richly adorned, especially among the nations of Asia; in the passage of Homer the material is stained ivory. The bit, which, though commonly of bronze or iron, was sometimes silver or gold (χρυσοχαλίνων πάταγον ψαλίων, Aristoph. *l. c.*; *fulvum mandunt sub dentibus aurum*,









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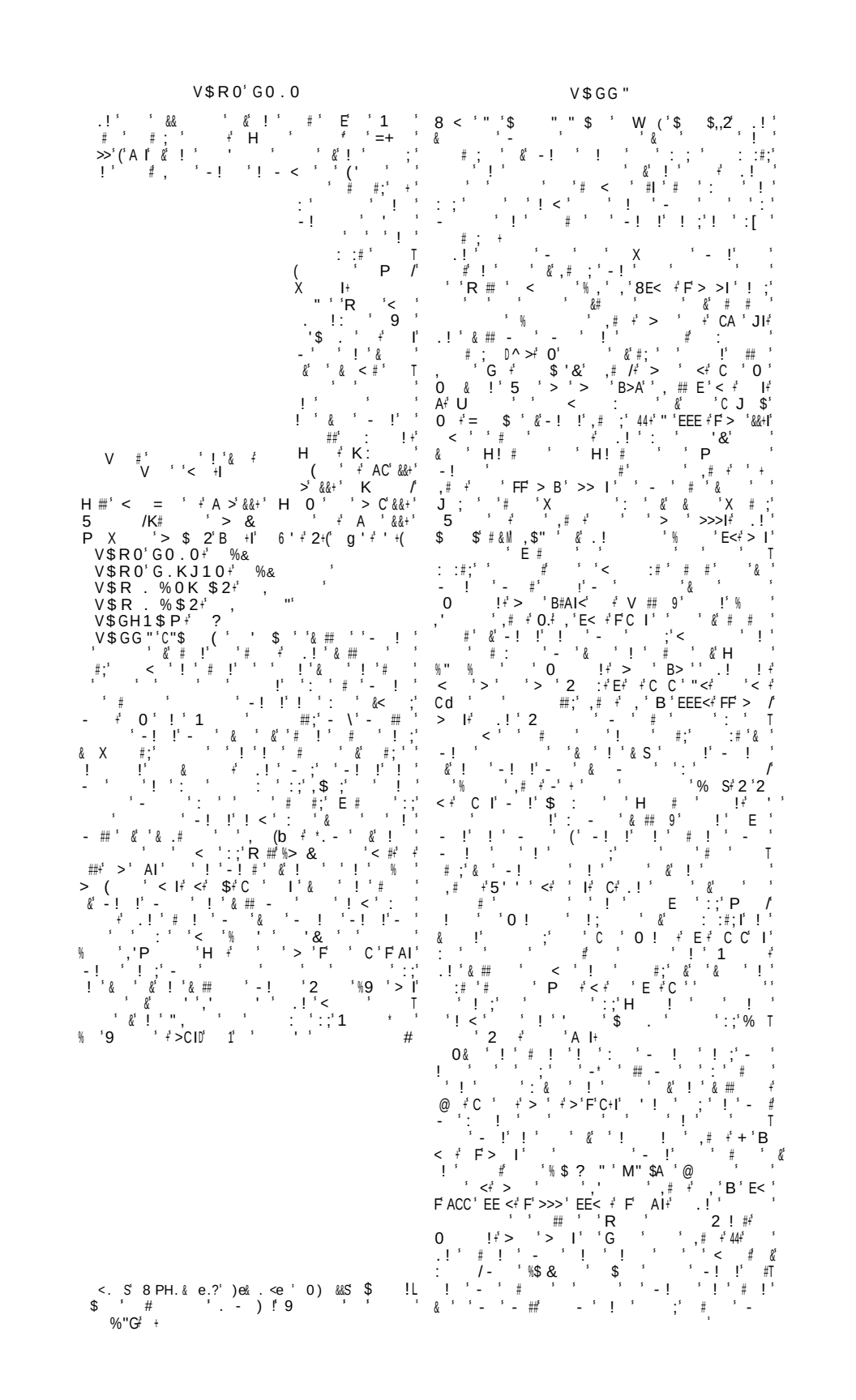
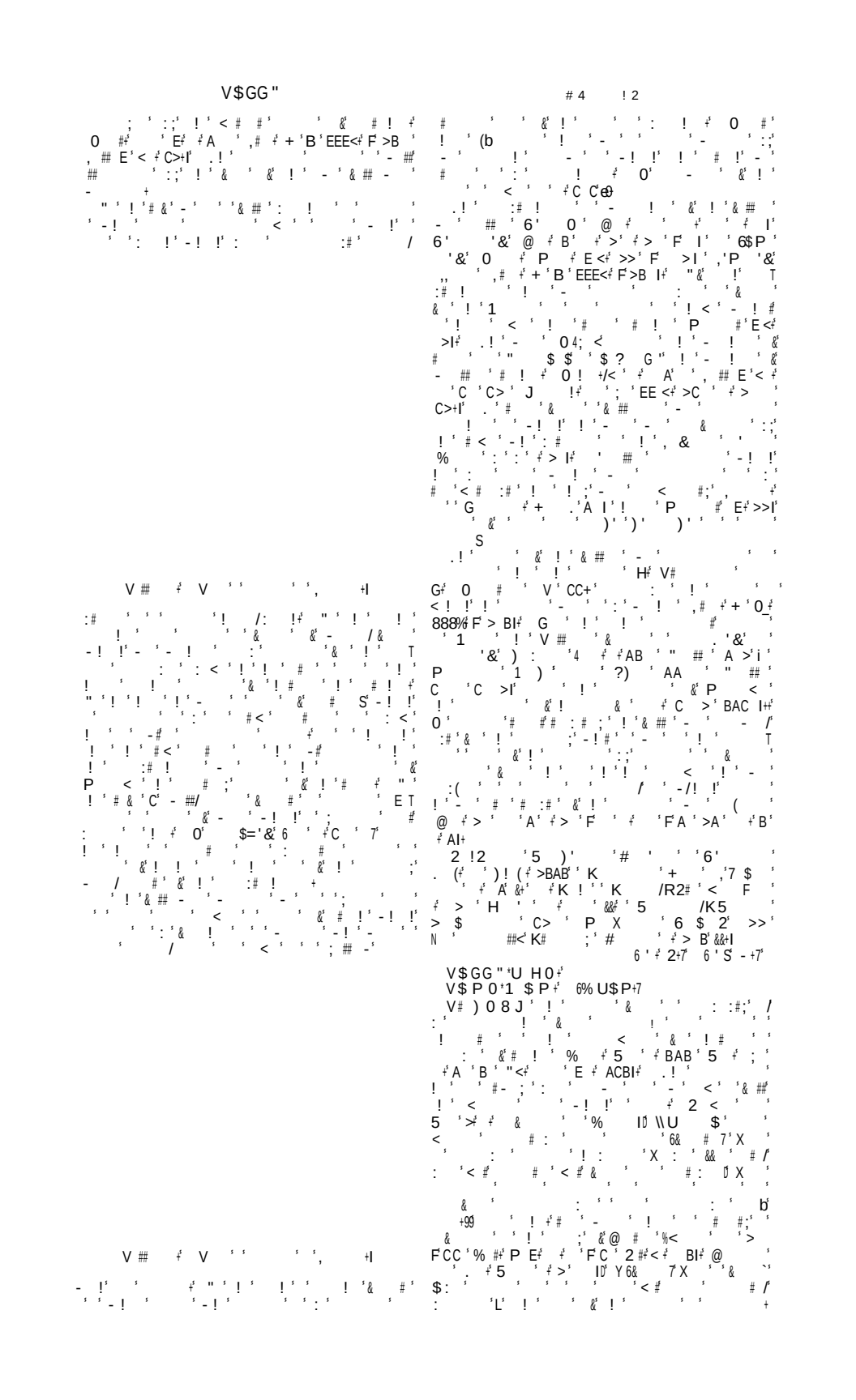
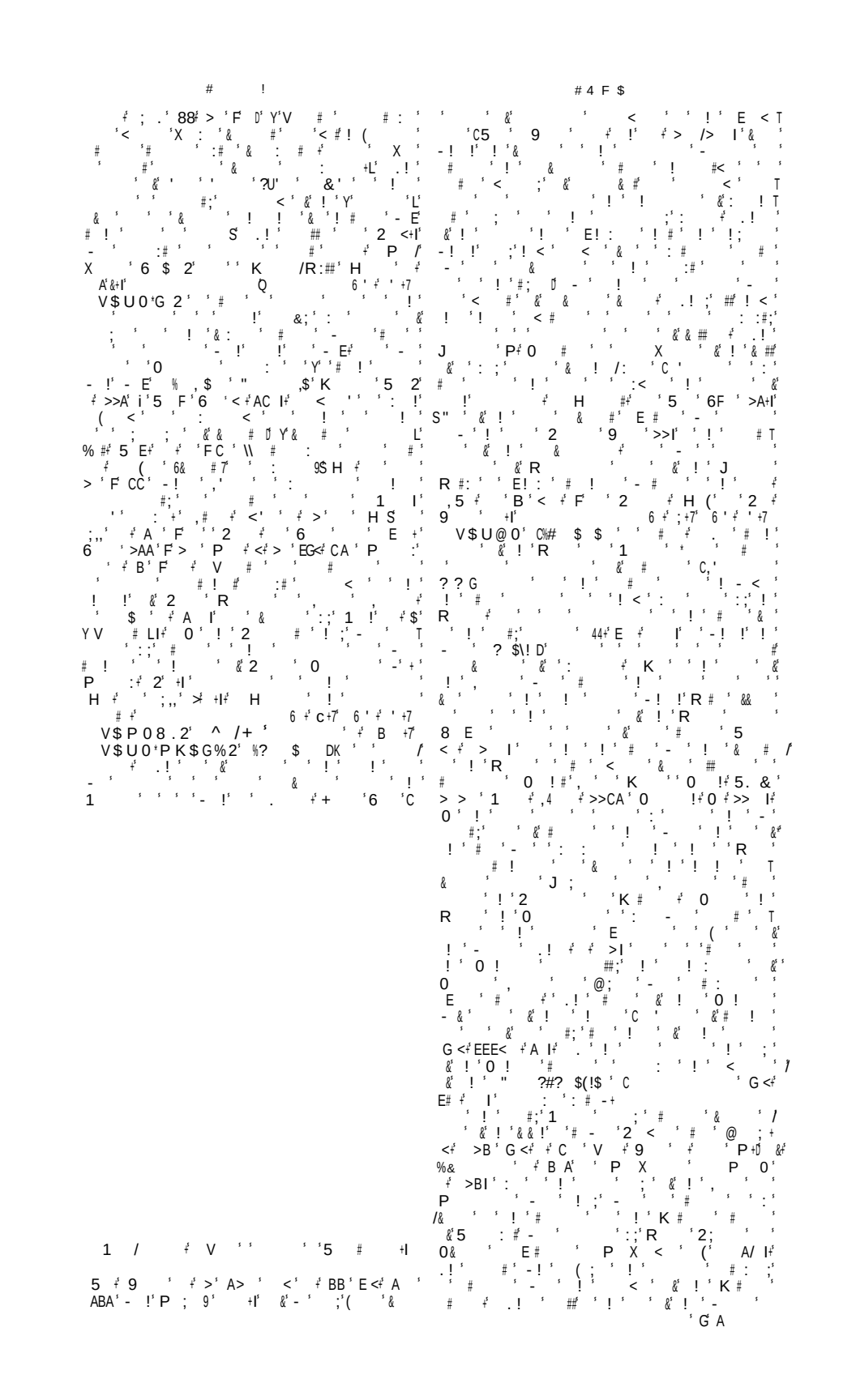
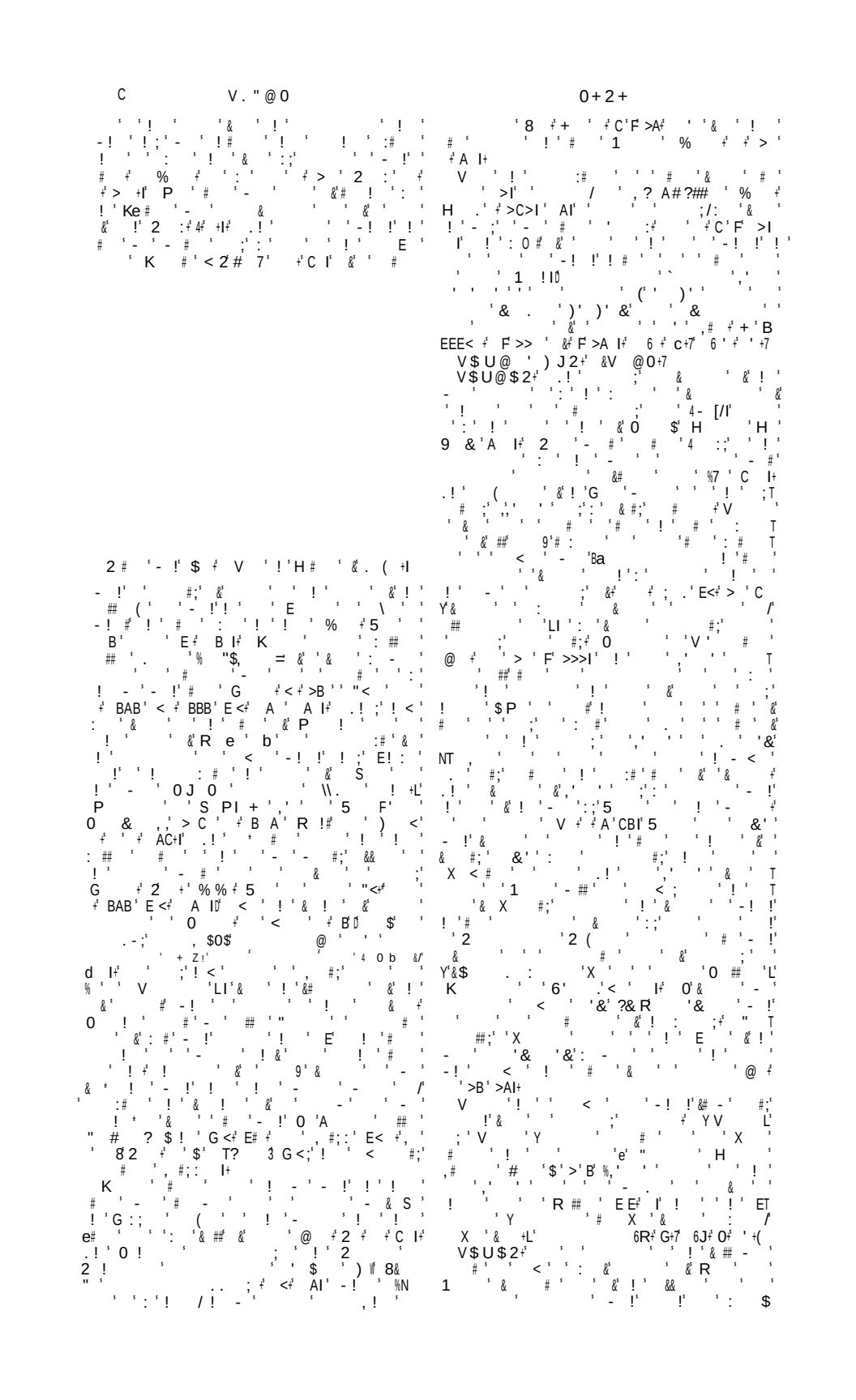
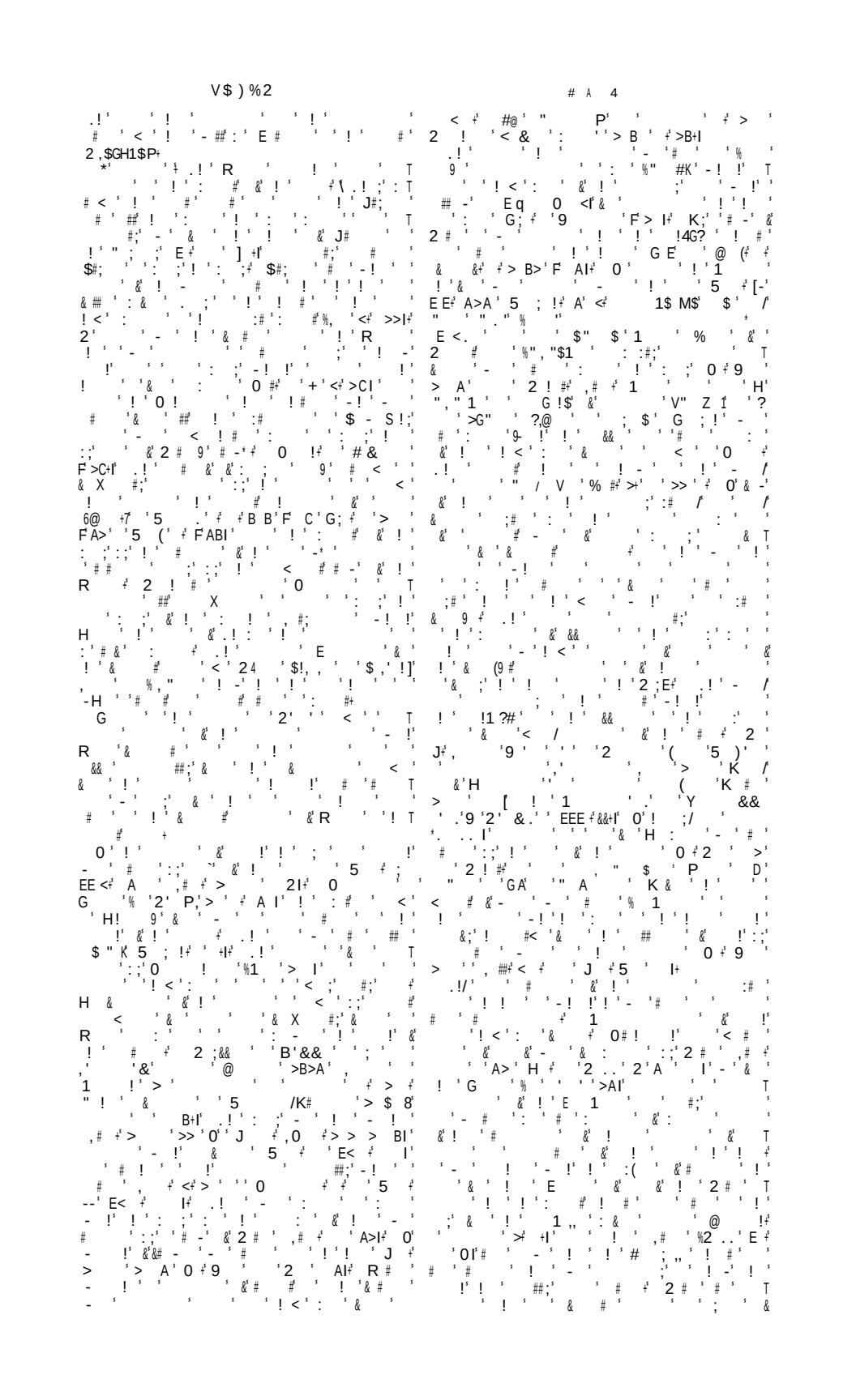




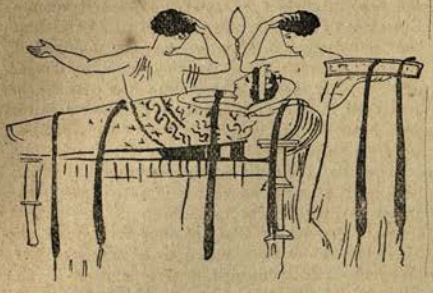






age except the nearest relations (*ἐντὸς ἀνεψιαδῶν*) should be allowed to be present while the corpse was in the house (Demosth. *l. c.*). It appears that singers were hired to lead the mourning chant at the *πρόθεσις* (Hom. *Il.* xxiv. 719 ff.; Lucian, *de Luctu*, 20).

The accompanying woodcut, representing the *πρόθεσις*, is taken from Pottier, *op. cit.* pl. i.



The *πρόθεσις*. (From a Greek vase.)

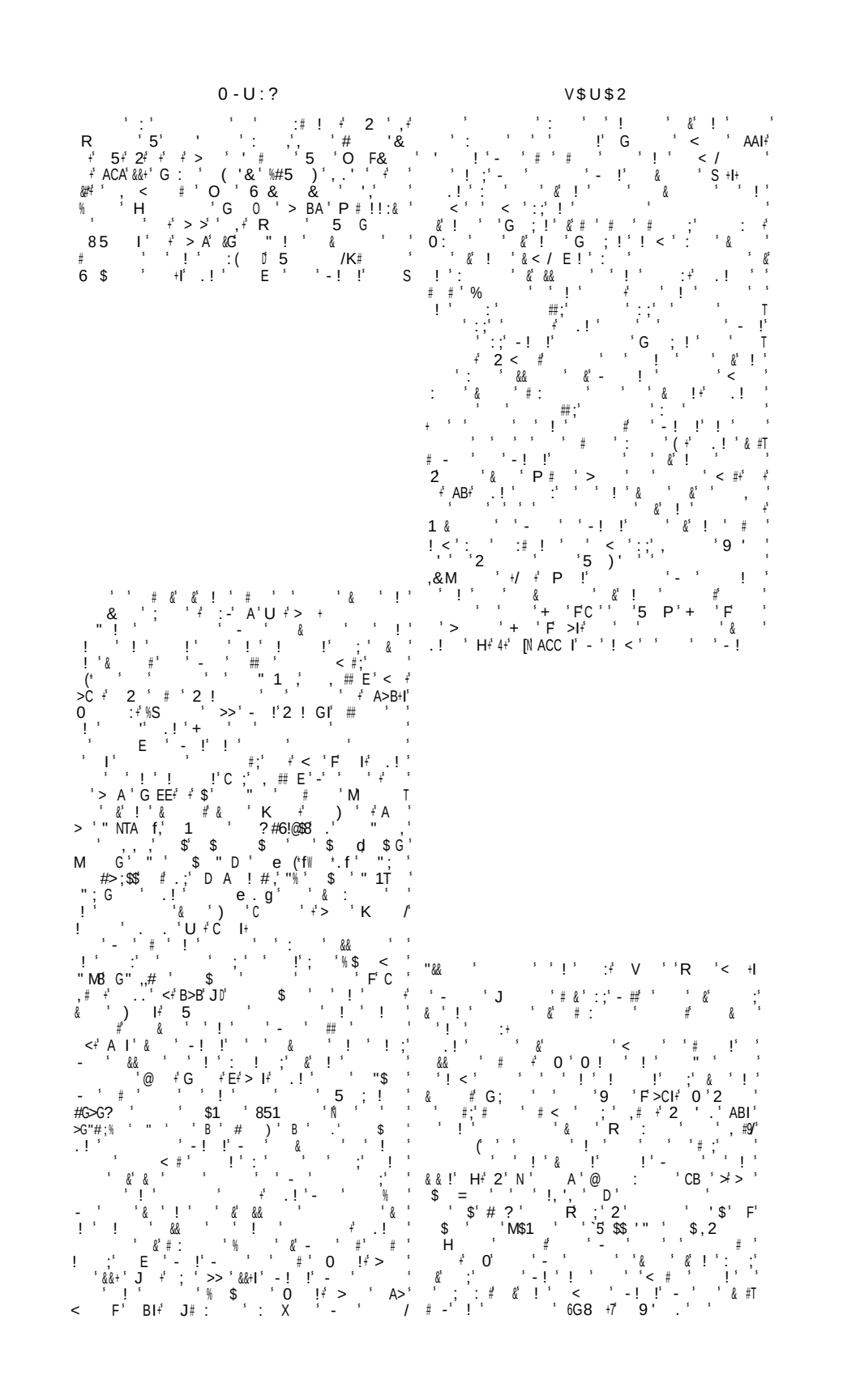
The corpse lies upon a couch, and is covered with a rich garment. The head alone is unveiled, and is surrounded with a fillet. Two female figures stand beside the couch, with gestures of grief. One of them carries a tray or basket, across which two taeniae are laid. Other taeniae are placed across the couch. In the background is a mirror, or fan, perhaps intended for the keeping away of flies (cf. Dio Cass. lxxiv. 4, 2; Cod. Just. vii. 6, 5). A list of other illustrations of the *πρόθεσις* is given by Pottier, p. 12, and Benndorf, *Gr. u. Sic. Vasenb.* p. 6. It is sufficient here to mention the Archemoros vase, a large amphora found at Ruvo (Gerhard, *Archemoros u. die Hesperiden*, pl. i.; Baumeister, *Denkmäler*, p. 114). In this the corpse of the boy Archemoros is laid upon a couch. One female places a wreath upon his head, while another holds a parasol over him. The *παιδαγωγὸς* stands at the foot of the couch, and two of the attendants carry tables upon which are vases of various kinds with taeniae attached. The centre group is alone given in the cut annexed.

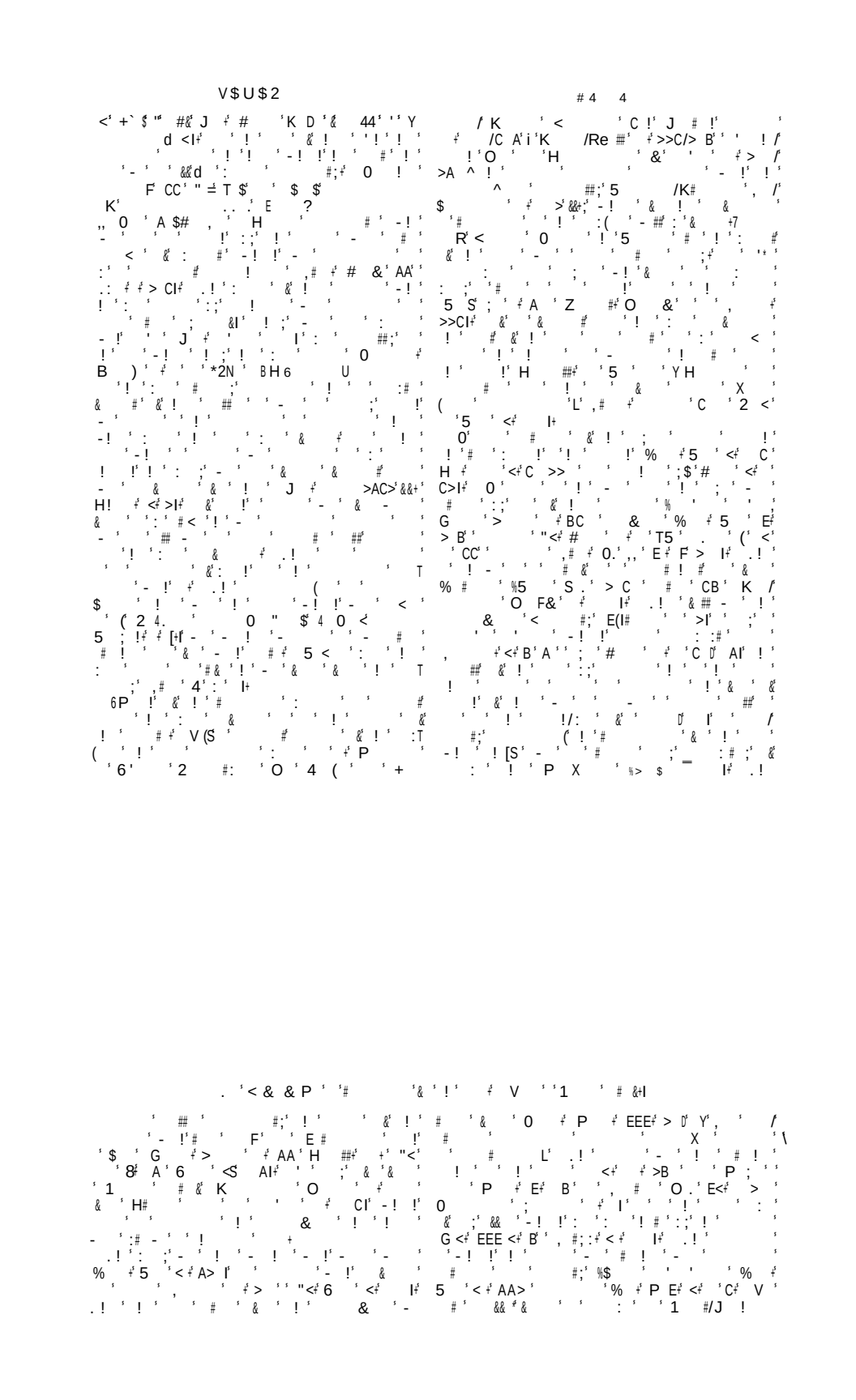
The *πρόθεσις*. (From a Greek vase.)

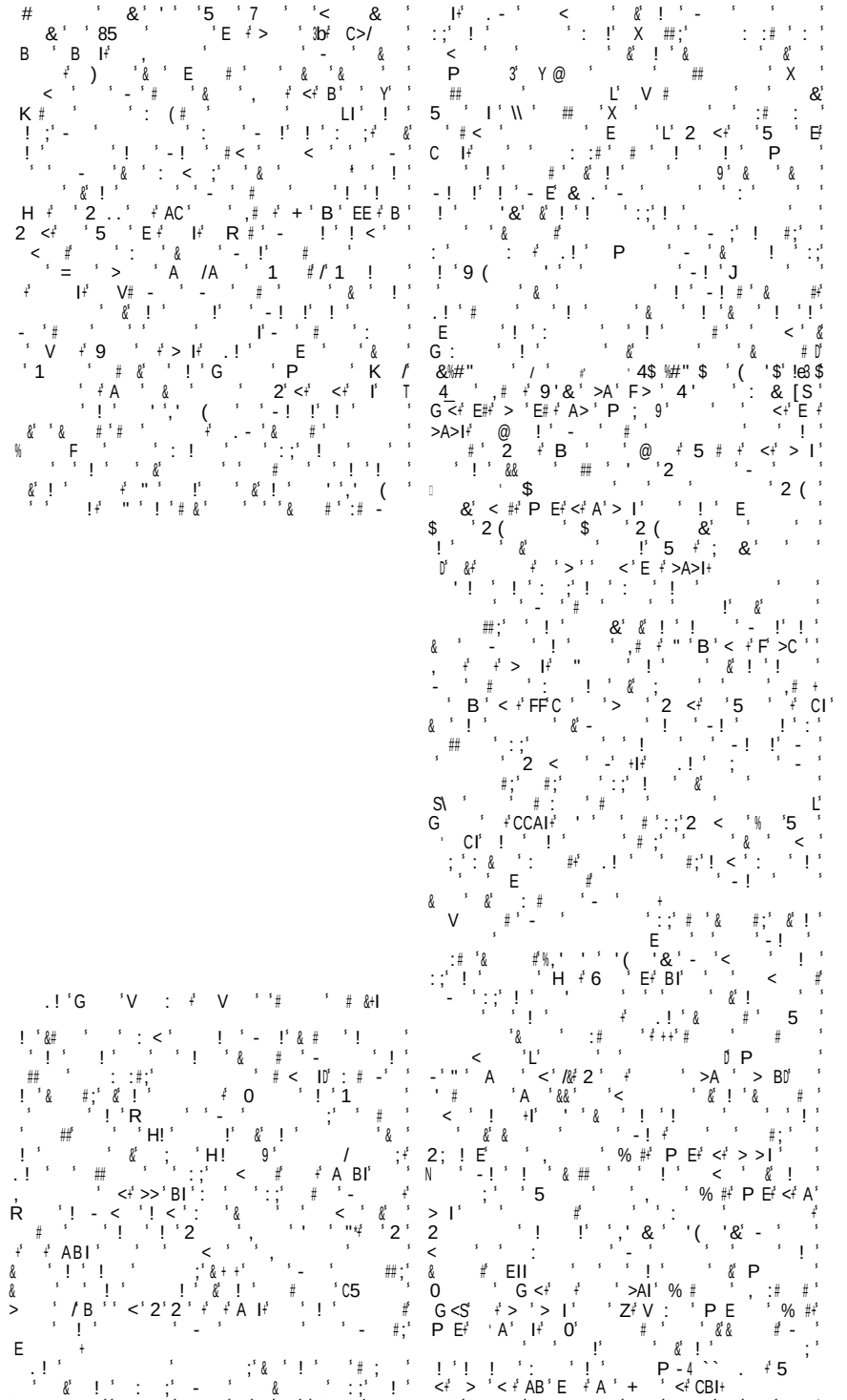
The funeral (*ἐκφορά*, *ἐκφέρειν*) took place legally, as has been already remarked, on the day following the *πρόθεσις*. It might, however, be put off several days to allow of the arrival of distant friends (Plut. *Timol.* 39). The early morning was the usual time (Plato, *Legg.* xii. 960 A; Cic. *de Legg.* ii. 26, 66; Heracl. *Alleg. Hom.* c. 68, *ἦν δὲ παλαιὸν ἔθος τὰ σώματα τῶν καμνόντων ἐπειδὰν ἀναπαύσηται τοῦ βίου, μήτε νύκτωρ ἐκκομίζειν μήθ' ὅταν ὑπὲρ γῆς τὸ*

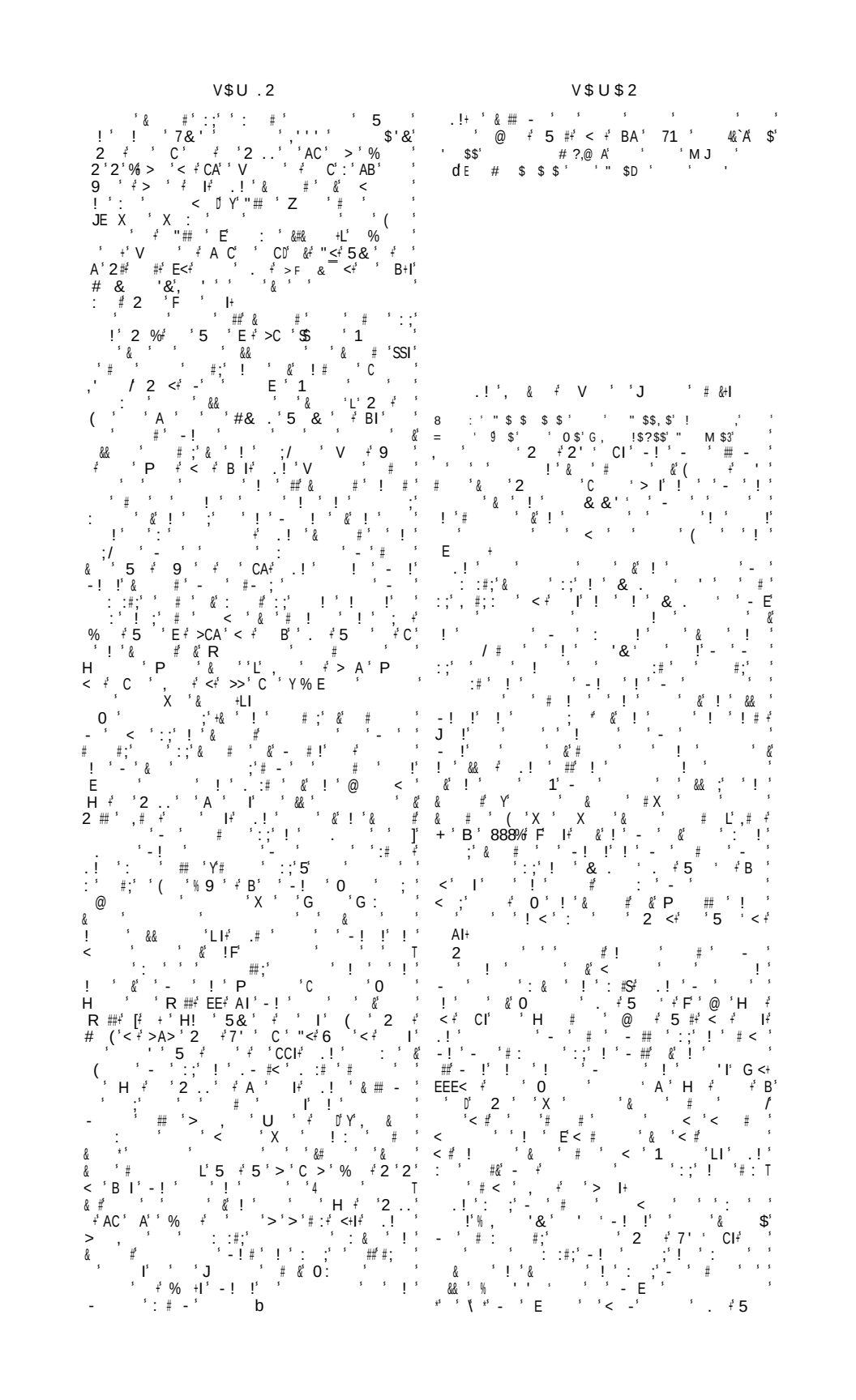
The *ἐκφορά*. (From a stamped terracotta plaque found at the Piraeus.)

μεσημβρινὸν ἐπιτείνηται θάλπος· ἀλλὰ πρὸς βαθὺν ὄρθρον ἀπύροις ἡλίου ἀκτῖσιν ἀνιόντος.) The body was carried on the couch on which it had been lying. In the inscription from Keos (Köhler, *Mittheil. d. Arch. Inst. in Athen*, 1876, 139 ff., l. 10; Dittenberger, *Sylloge*, 468) we find the direction that the corpse should be covered and carried in silence (*τὸν θανόντα φέρειν κατακεκαλυμμένον σιωπῇ μέχρι τὸ σῆμα*), but there is nothing to show that this was general. The bier was borne either by hired bearers (*νεκροφόροι*, Poll. vii. 195), or, in cases where it was decided to honour the dead, by specially selected citizens (*e.g.* in the case of Timoleon, Plut. *Timol.* 39). The men walked before the corpse, and the women behind (Dem. *l. c.*), and it appears that musicians were hired to play mournful tunes on the flute and sing dirges (*θρῆνοι*) at the *ἐκφορὰ* as well as at the *πρόθεσις* (Plat. *Legg.* vii. 800 E; Hesych. *s. v.*









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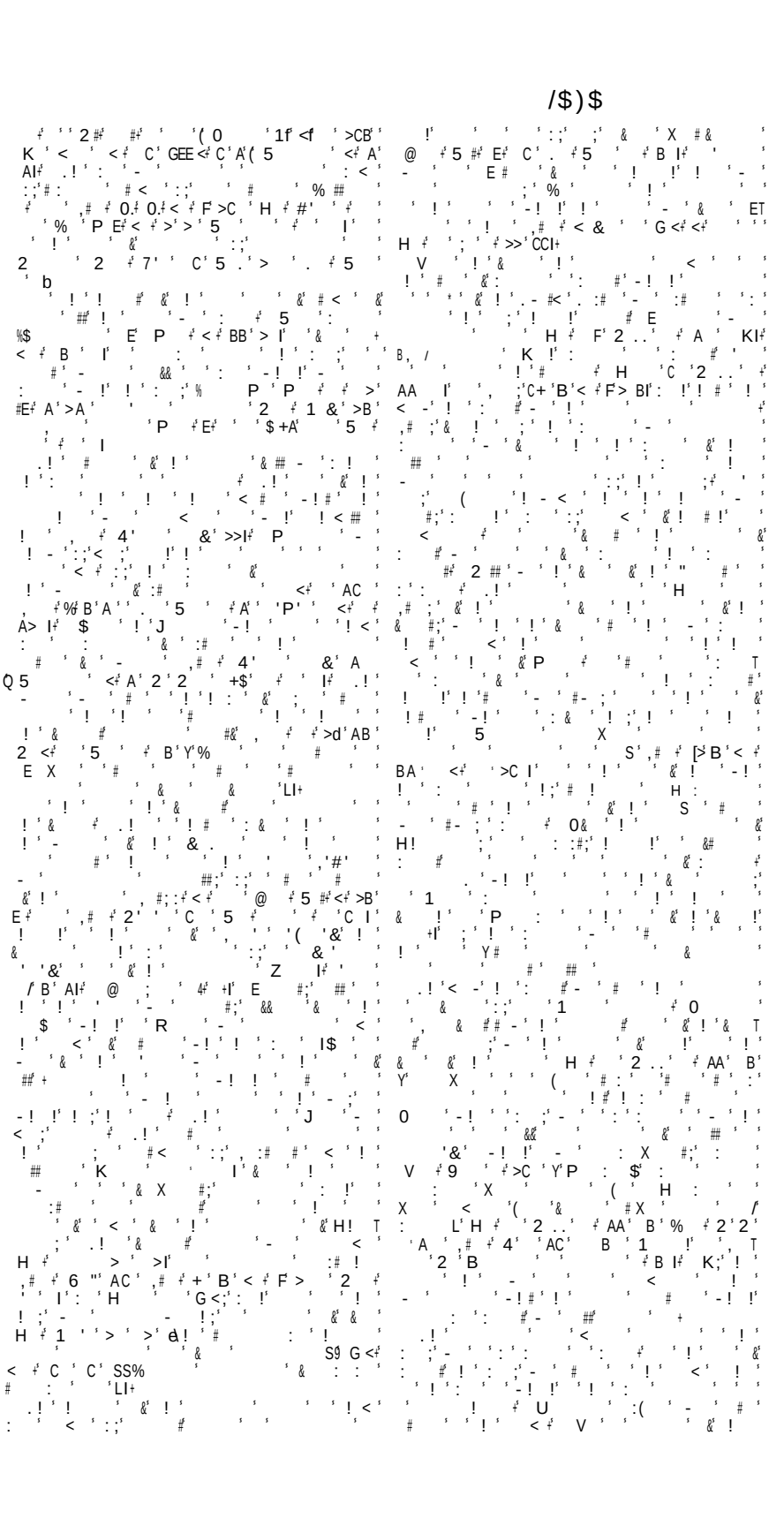

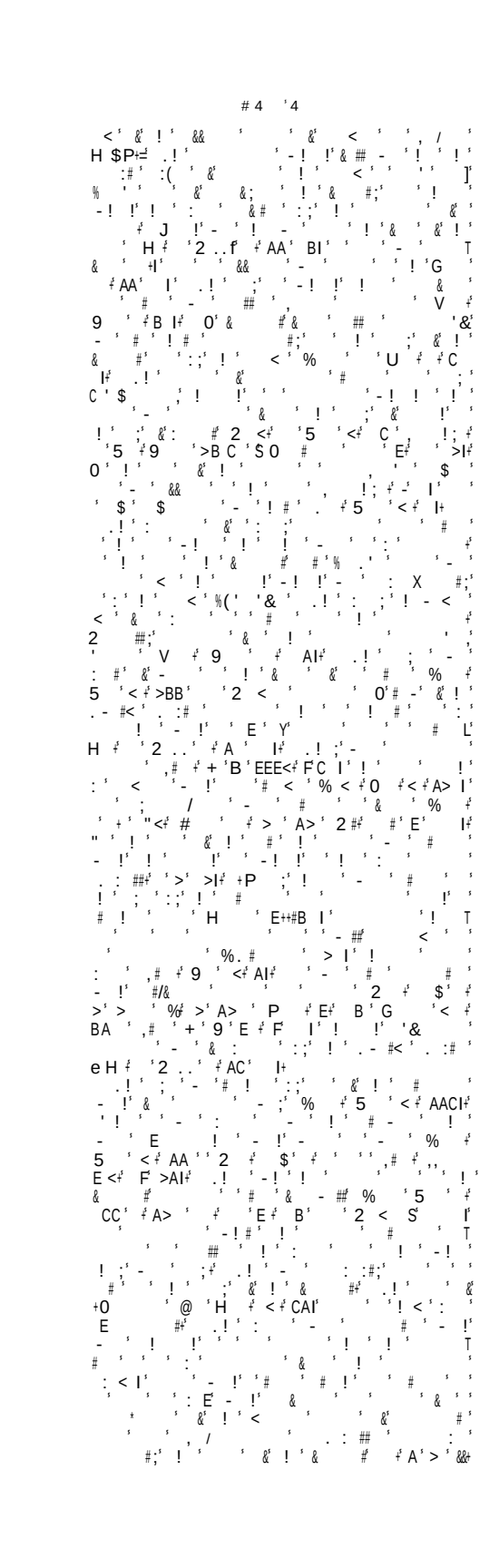

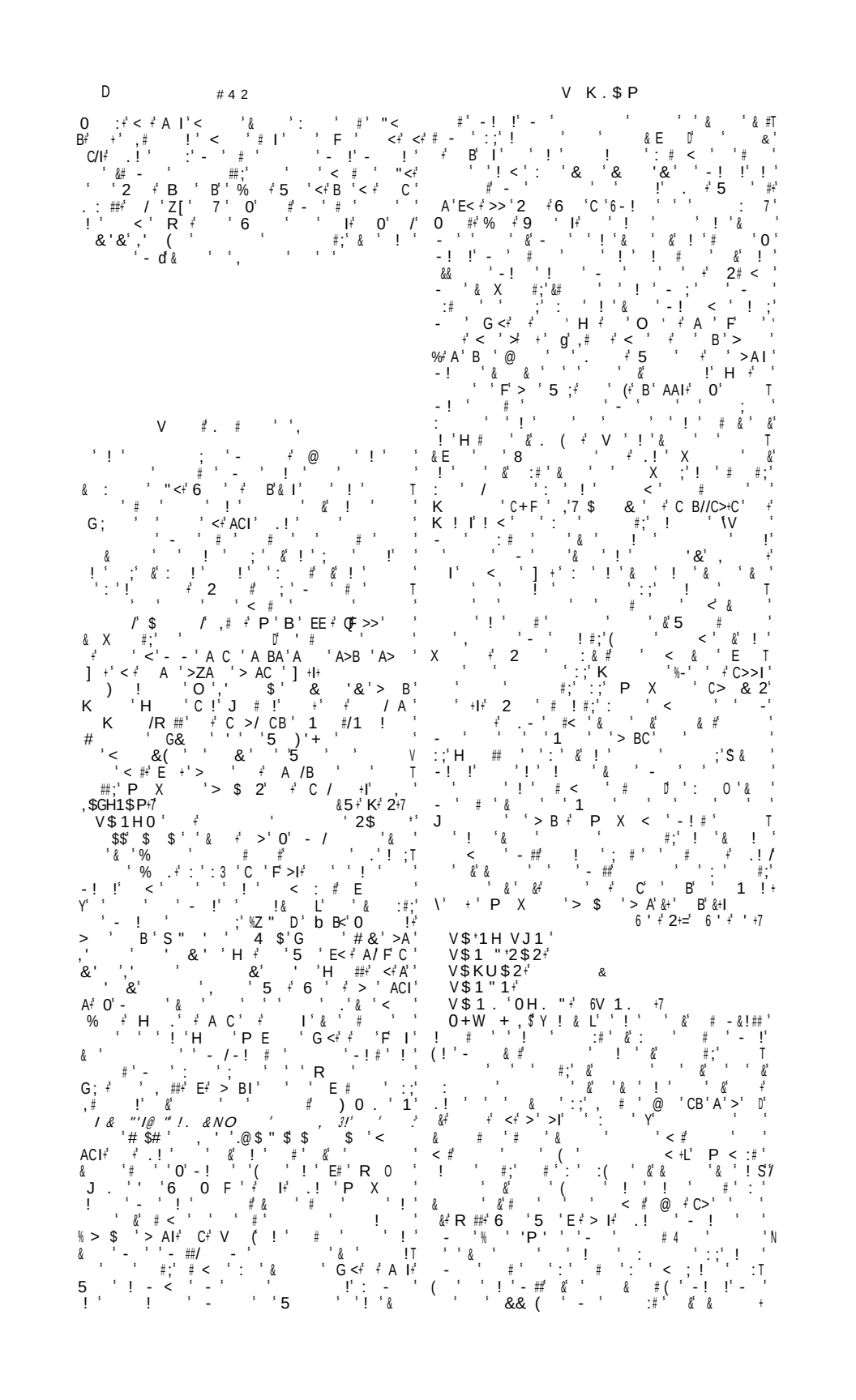

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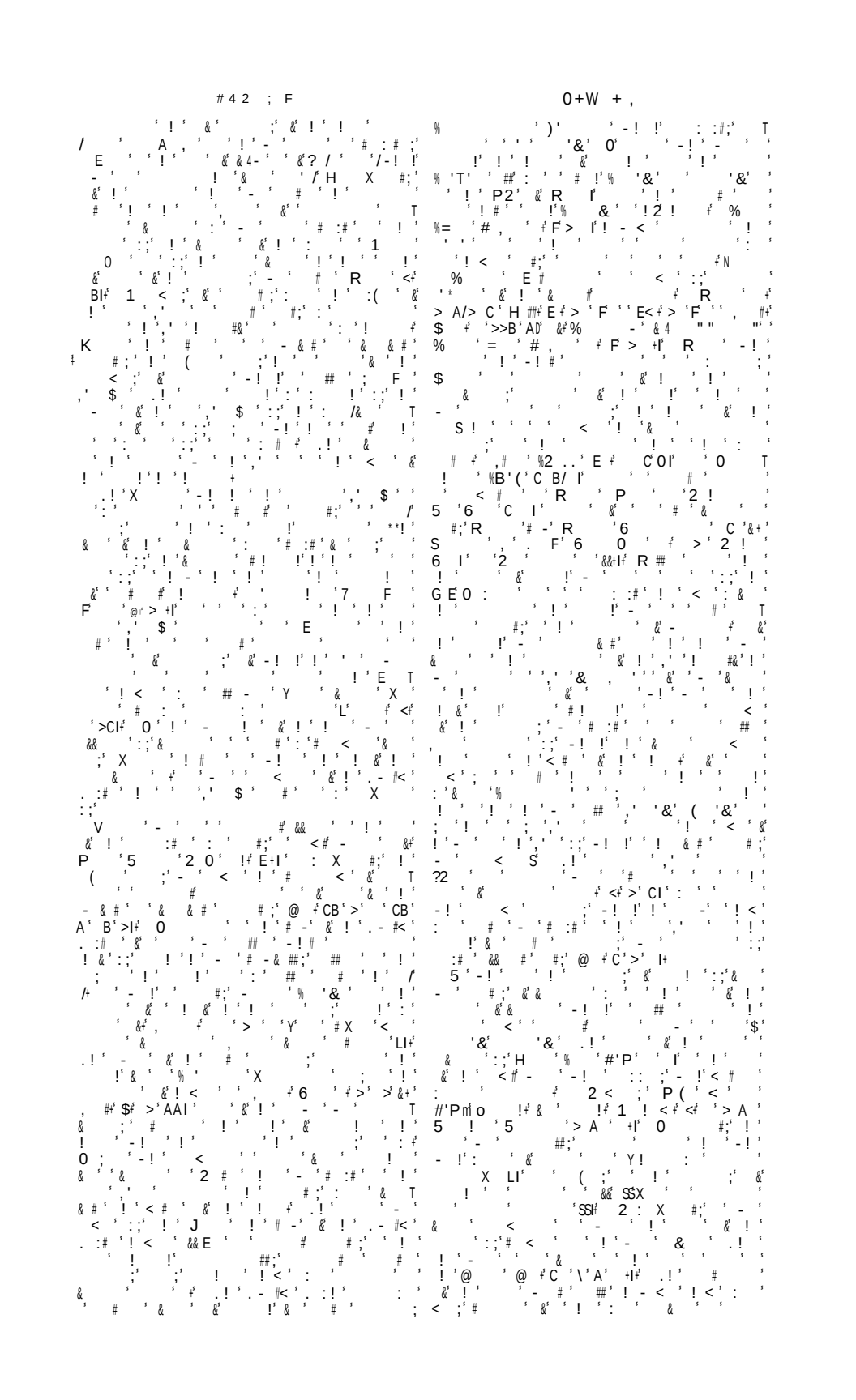
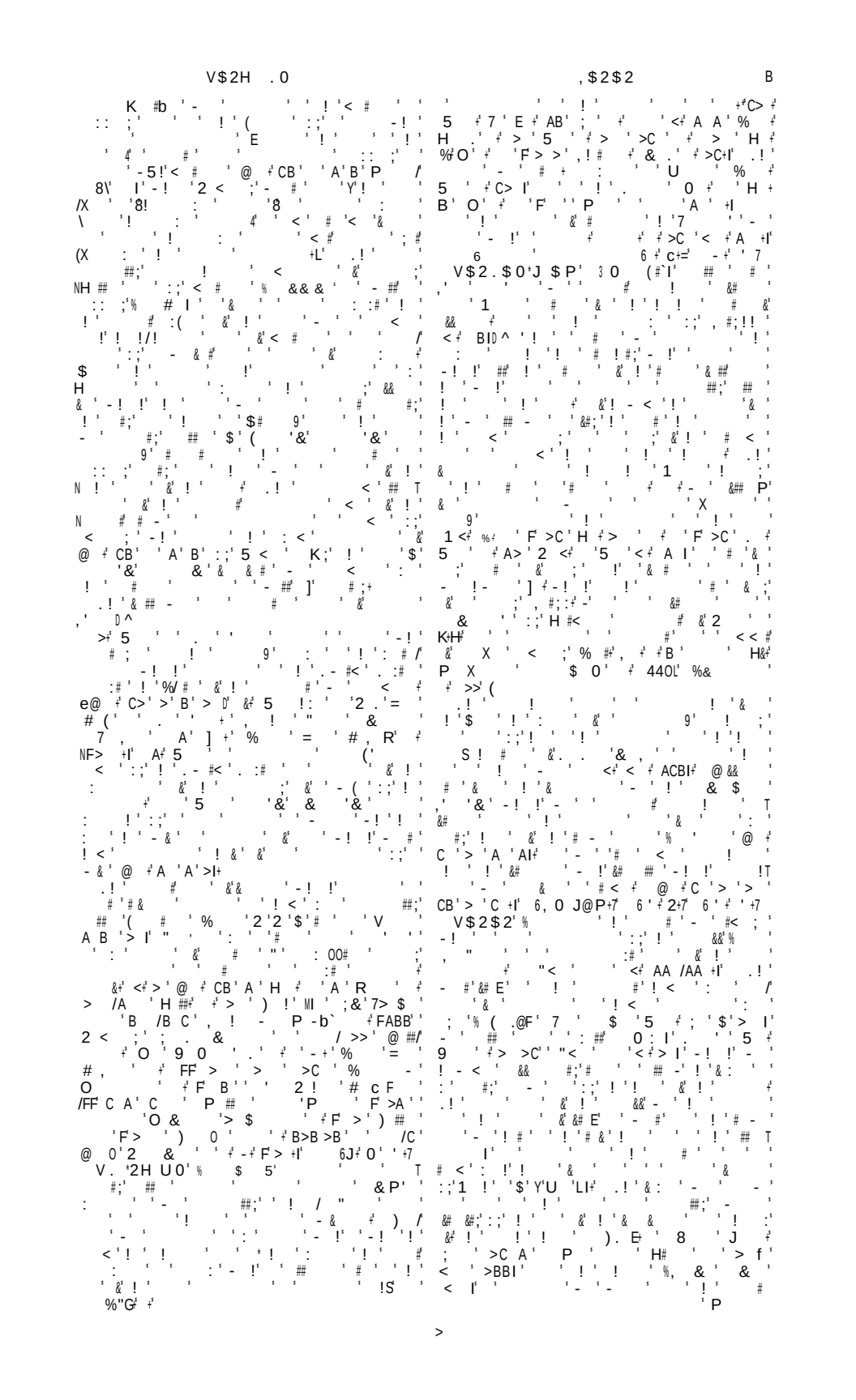
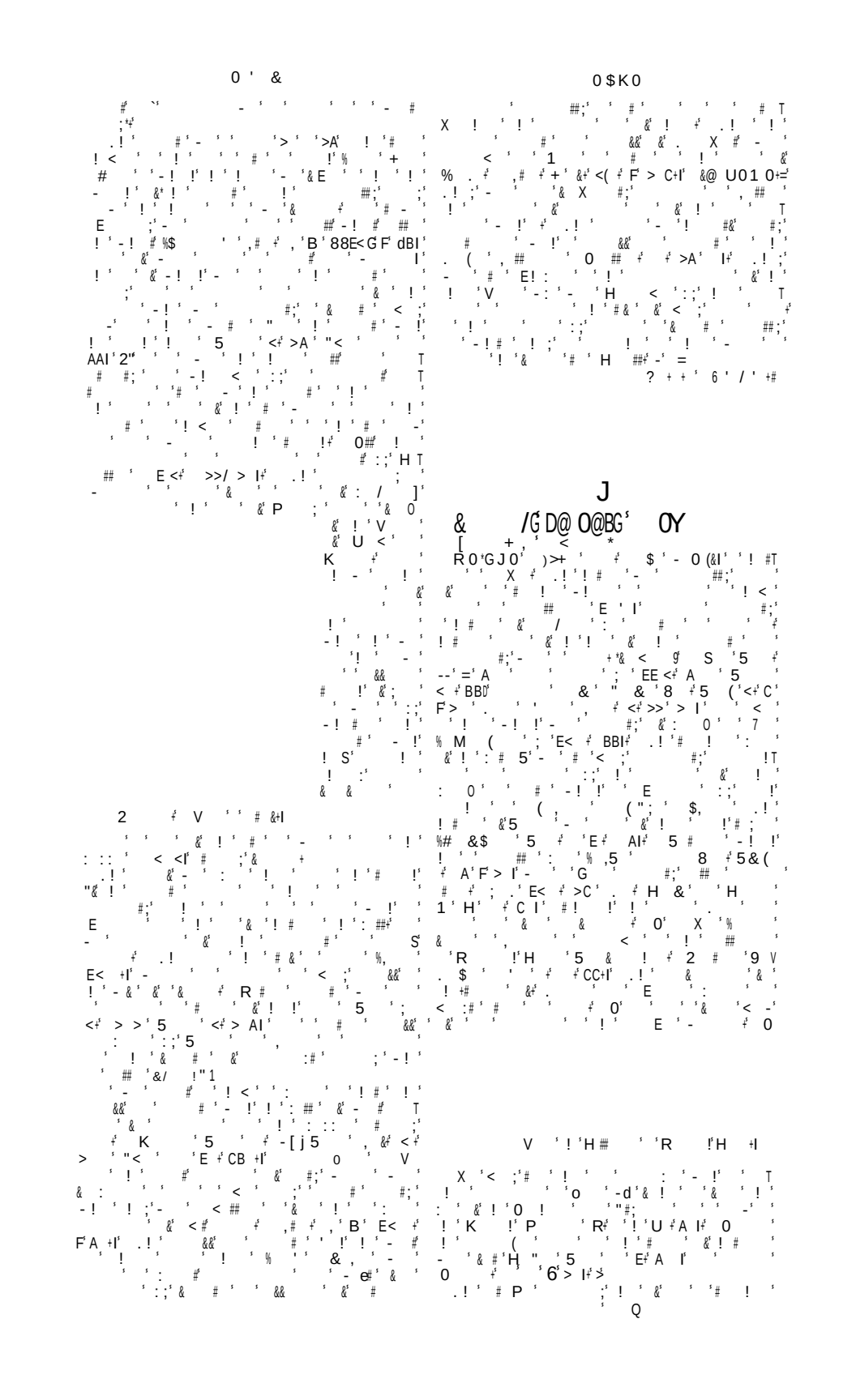


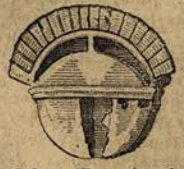




was sometimes a mere cap conformed to the shape of the head, without either crest or any other ornament (ἄφαλόν τε καὶ ἄλοφον, *Il.* x. 358). In this state it was probably used in hunting (*galea venatoria*, C. Nep. *Dat.* iii. 2), and was called καταΐτυξ (Hom. *Il.* l. c.), in Latin CUDO. The preceding woodcut shows an example of it as worn by Diomede in a small Greek bronze, which is also in the collection at Goodrich Court. (Skelton, *l. c.*) The additions by which the external appearance of the helmet was varied, and which served both for ornament and protection, were the following:—

1. The φάλος, which was either single, double (ἀμφίφαλος, δίφαλος, Hom. *Il.* v. 743, xi. 41), or quadruple (τετράφαλος, Hom. *Il.* xii. 384; xxii. 314). It has been held (Liddell and Scott, *s. v.*) that the φάλος was the projecting peak of the helmet. According to this view, τετράφαλος is admittedly unintelligible (L. and S. *loc. cit.*), and it is certain that the φάλος was a ridge of metal, afterwards called κῶνος (Buttmann), which served as a support for the crest. The φάλος is well shown in the cut at p. 189 *b* [LORICA]. Instances occur where there are two or more such ridges. (See Helbig, *Das Homerische Epos*, p. 207.) In the cut below, from a gem with the head of Athene Parthenos, the φάλοι are represented by a Sphinx and two Pegasi.

2. The helmet thus adorned was very commonly surmounted by the crest (*crista*, λόφος, Hom. *Il.* xxii. 316), which was often of horsehair (ἵππουρις, ἱπποδάσεια, Hom. *Il. cc.*; λόφων ἔθειραι, Theocr. xxii. 186; *hirsuta juba*, Propert. iv. 11, 19), and made so as to look imposing and terrible (Hom. *Il.* iii. 337; Verg. *Aen.* viii. 620), as well as handsome (*ib.* ix. 365; εὔλοφος, Heliod. *Aeth.* vii.). The helmet often had two or even three crests. (Aesch. *Sept. c. Theb.* 384. Compare the cut below with the head of Athene, having a helmet with a triple crest.) In the Roman army of later times the crest served not only for ornament, but also to distinguish the centurions (Veget. ii. 13). Cf. Vegetius, ii. 16: "Centuriones vero habebant . . . galeas ferreas, sed transversis et argentatis cristis, ut celerius noscerentur a suis." Compare the annexed cut from a part of a centurion's tomb, from Petronell, showing the transverse crest.



Galea. (Baumeister.)

3. The two cheek-pieces (*bucculae*, Juv. x. 134; παραγναθίδες, Eustath. *in Il.* v. 743), which were usually attached to the helmet by hinges, so as to be lifted up and down. They had buttons or ties at their extremities for fastening the helmet on the head. (Val. Flacc. vi. 626.) A strap passed under the wearer's chin, in the case of the Homeric helmet (*Il.* iii. 371), but apparently cheek-pieces were not movable. The cheek-pieces were often elaborately adorned with reliefs. (Cf. *Antiq. du Bosp. Cimm.* pl. xxviii. fig. 1; Baumeister, fig. 2214.)

4. The beaver, or visor, a peculiar form of which is supposed to have been the αὐλῶπις τρυφάλεια, *i.e.* the perforated beaver. (Hom. *Il.* xi. 353: cf. Hesych. *s. v.*, and Helbig, *Das Homerische Epos*, p. 205.) The gladiators wore helmets somewhat of this kind (Juv. viii. 203), and specimens of them, not unlike those worn in the Middle Ages, have been found at Pompeii. See the woodcut to GLADIATORES.

The five following helmets are selected from

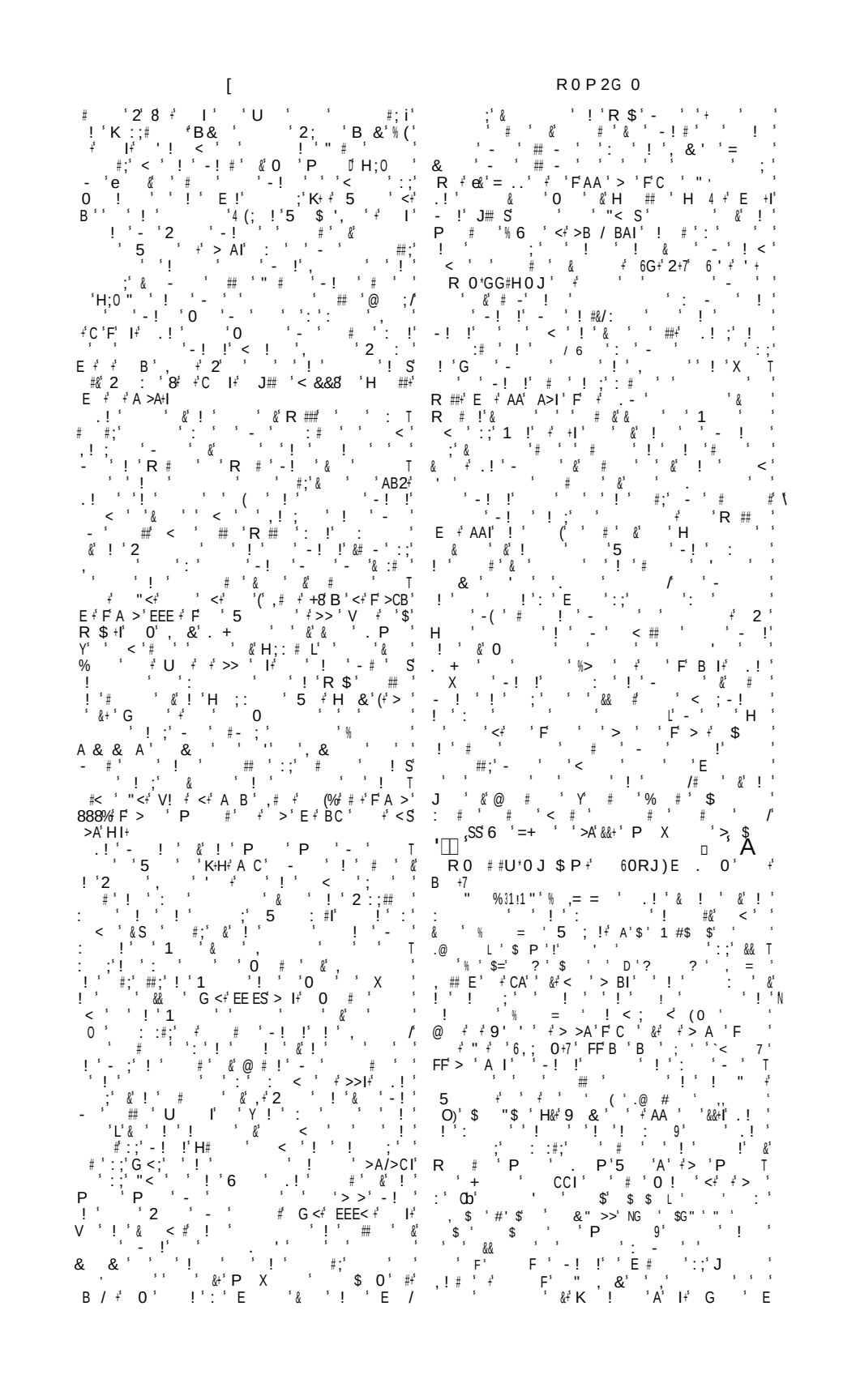
Helmets. (From gems.)

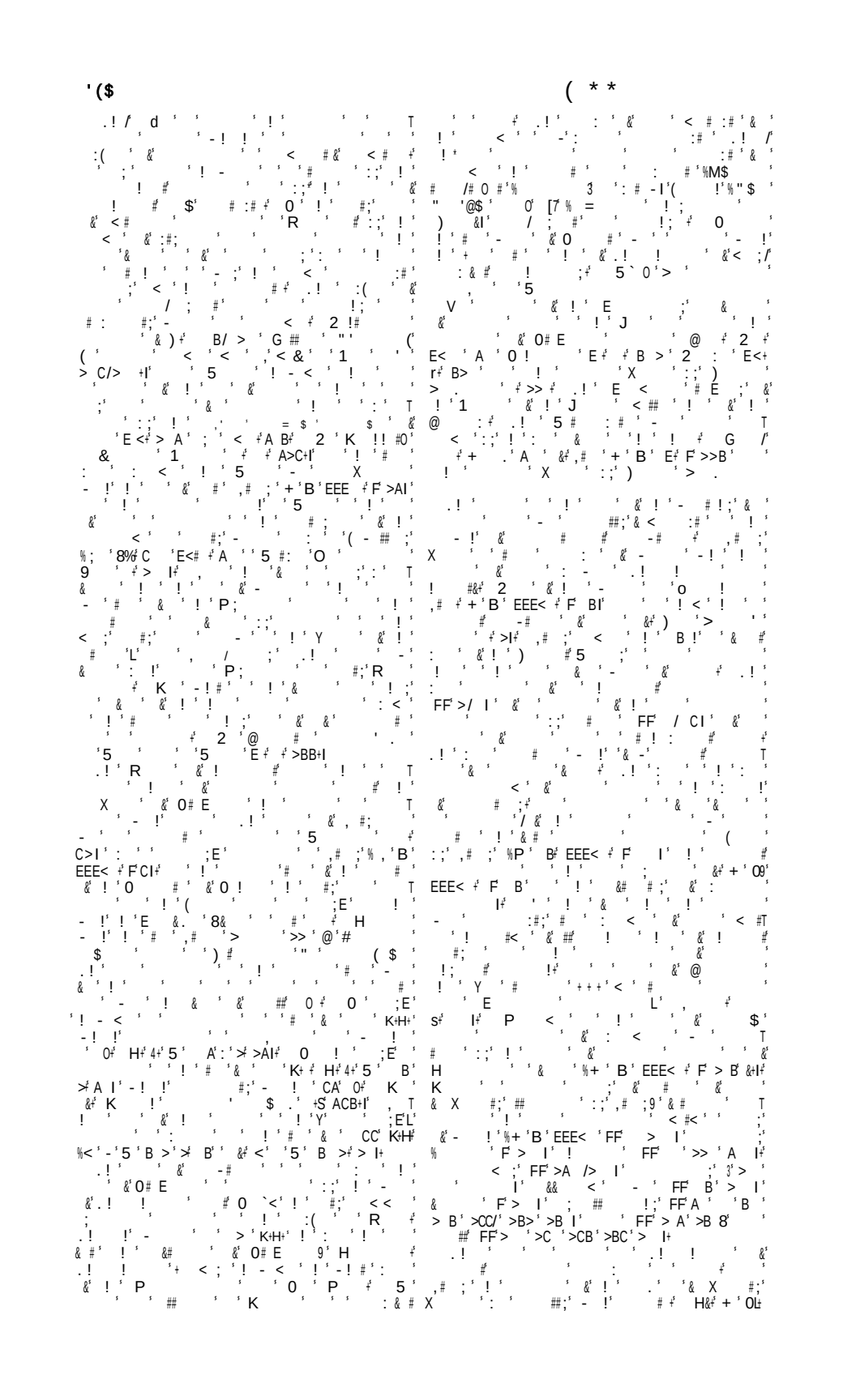
antique gems, and are engraved of the size of the originals. [J. Y.] [A. H. S.]

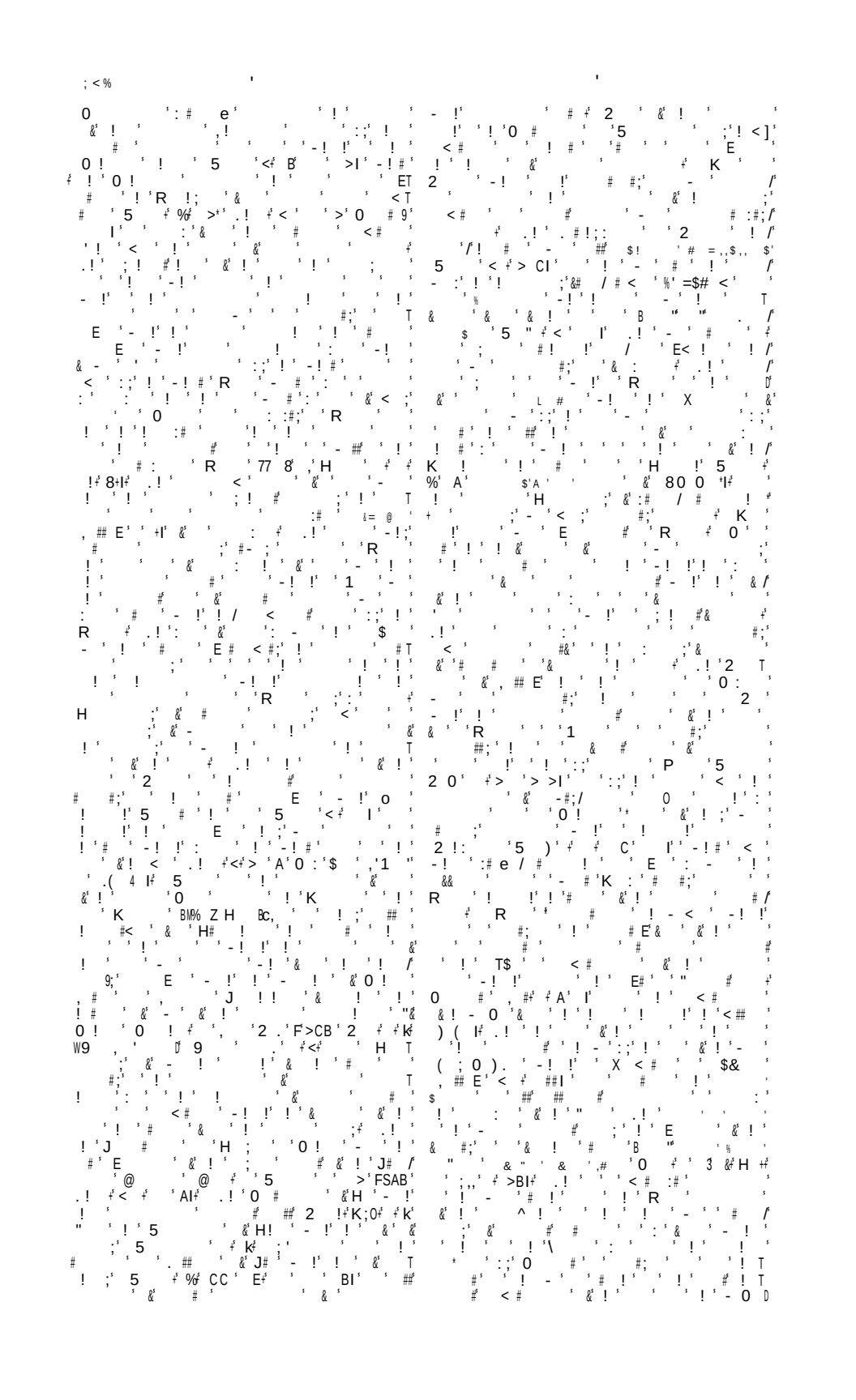
GALERI'CULUM. [GALERUS.]

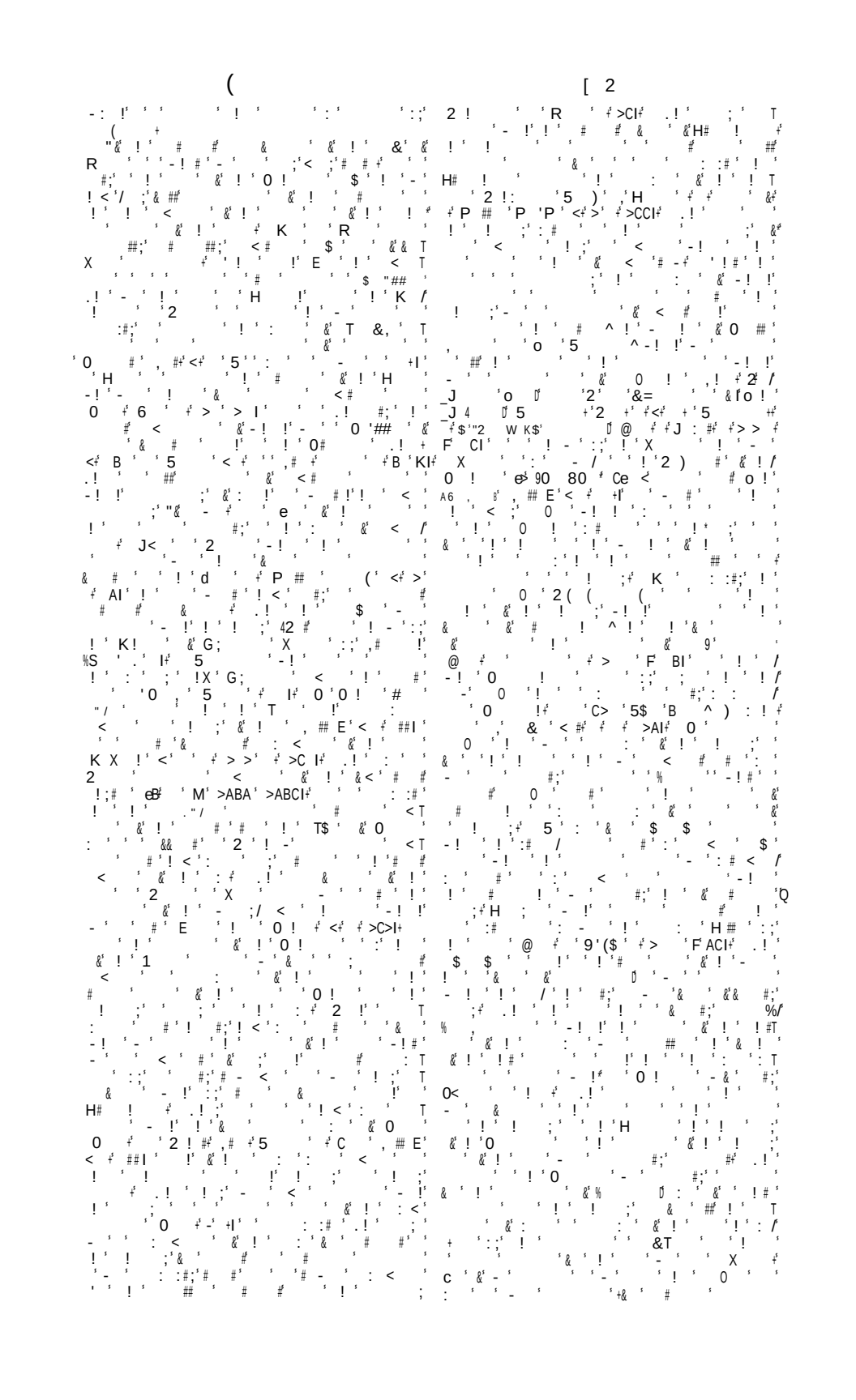
GALE'RUS or GALE'RUM, dim. GALERICULUM, is probably connected with *galea*, and so with γαλέη (cf. the κτιδέην κυνέην of Hom. *Il.* x. 335). It was originally a cap of skin or fur, fitting close to the head, worn by rustics (Verg. *Moret.* 122), hunters (Grat. *Cyneg.* 340, where it is of badger-skin), gymnasts in the palaestra to keep the hair clean (Mart. xiv. 50), and by the old inhabitants of Latium instead of a helmet (Verg. *Aen.* vii. 688; cf. CUDO). For the galerus worn by various priests, *e.g.* the Pontifices Salii and Flamines, and the *albogalerus* or *albus galerus* of the Dialis, see APEX, and compare Juv. viii. 208; Apul. *Apol.* 22, p. 441; Gell. x. 15 *extr.* The word is also applied to a wig, the *empti capilli* of Ovid (*A. Am.* iii. 165; cf. CALIENDRUM); worn not only from vanity or to conceal baldness (Suet. *Oth.* 12), but for the sake of disguise by profligates of both sexes in their nocturnal rambles (Suet. *Ner.* 26 = *capillamentum*, Id. *Calig.* 11; Juv. vi. 120 with the Schol.); and on the stage as part of the make-up (Guhl and Koner, ed. 5, p. 762). (Rich, *s. v.*; Becker-Göll, *Gallus*, iii. 240.) [W. S.] [W. W.]

GALLI (Γάλλοι, in post-Roman authors only), the eunuch priests of Cybele or the Great Mother, whose worship, so far as it can be traced historically, had its original seat in Phrygia (Marmor Parium, *ap.* C. Müller, *Fragm.* i. 544, [βρέτας θ]εῶν μητρὸς ἐφάνη ἐν Κυβέλοις, where it is placed under the reign of Erichthonius, king of Attica, B.C. 1506; Strabo, x. pp. 469, 472, xii. p. 567, where the names Κυβέλη, Δινδυμήνη, &c., are said to be derived from Phrygian localities; Κυβέλην ἀπὸ τοῦ τόπου, Diodor. iii. 58). The myths of Marsyas and Hyagnis, the reputed inventors of the flute, gather round the same region, and are doubtless connected with the use of that instrument in the orgiastic worship of Cybele (cf. *Dict. Biogr.* art. *Marsyas*). The Phrygian language was Indo-European, as appears from the extant inscriptions (Rawlinson's *Herodotus*, vol. i. App. p. 666); and the worship of Cybele has been thought to be also Indo-European; Zend names have been traced in it—Berecyntus = *Berezat*, Corybantes = *Gereuantô* (Labatut in *Rev. Numism. Belge*, 1868, p. 286). Other names, however, are of distinctly Semitic affinities; Rhea perhaps = the Babylonian Ri (Mulita or Mylitta, Raw-









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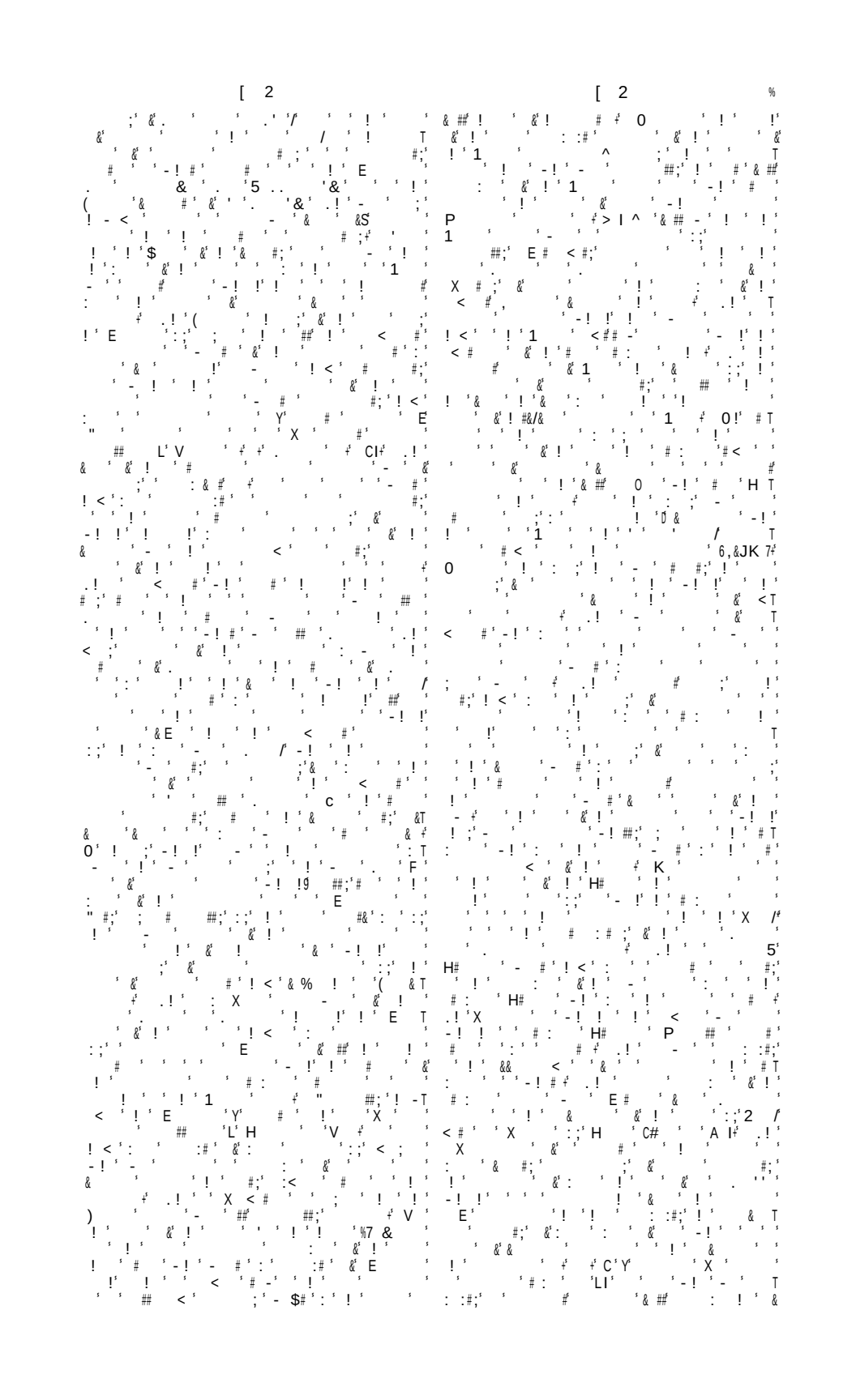

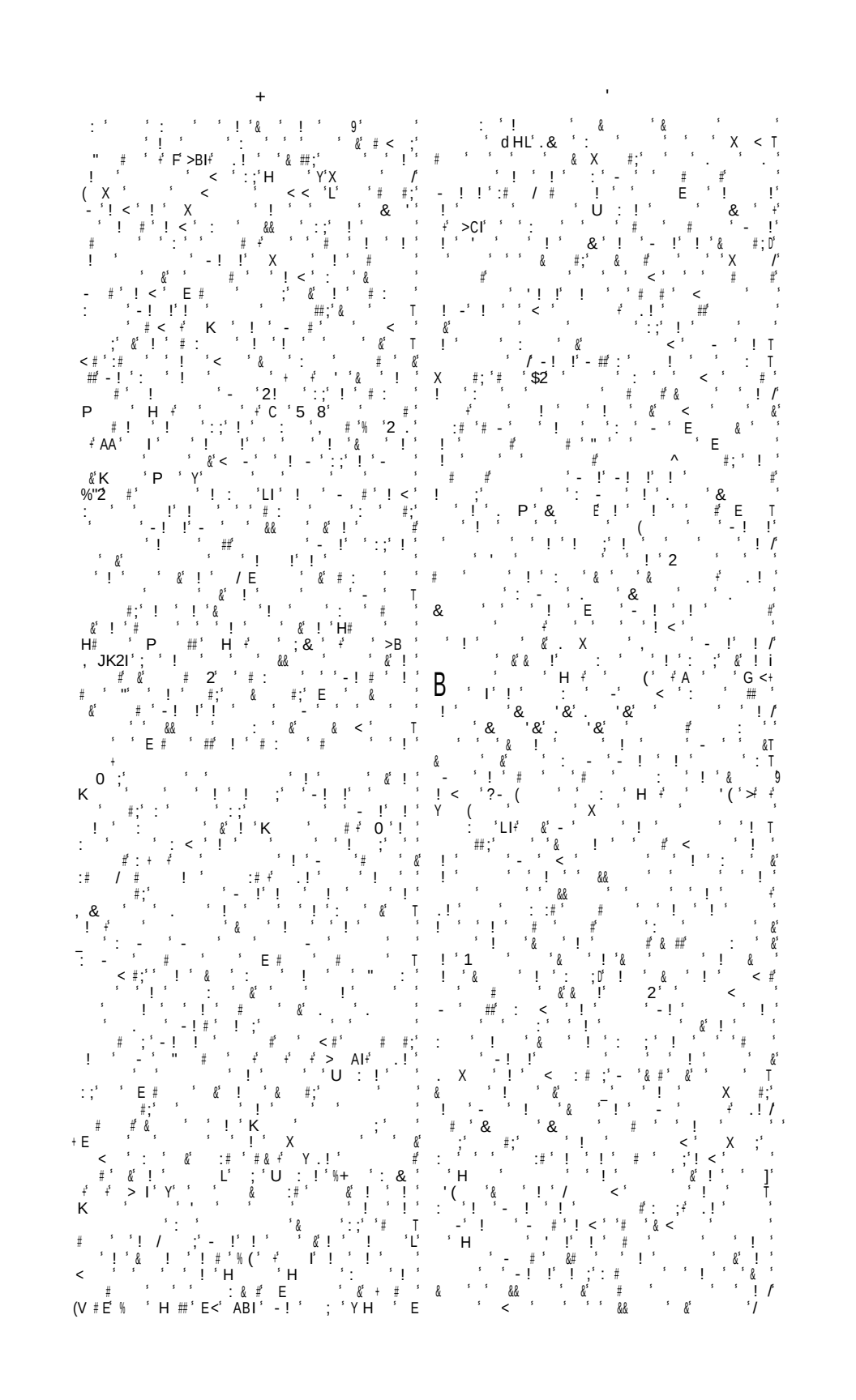

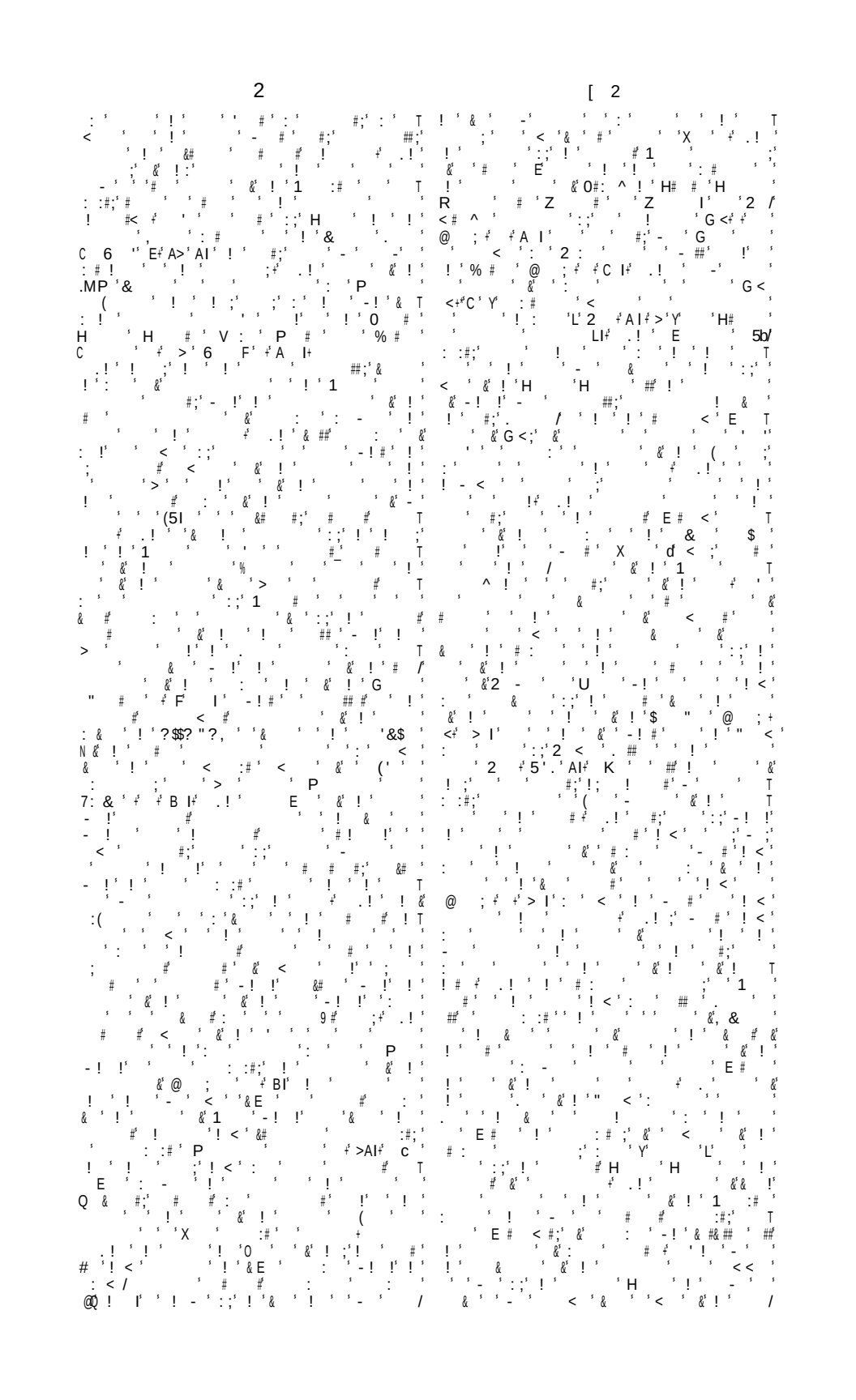

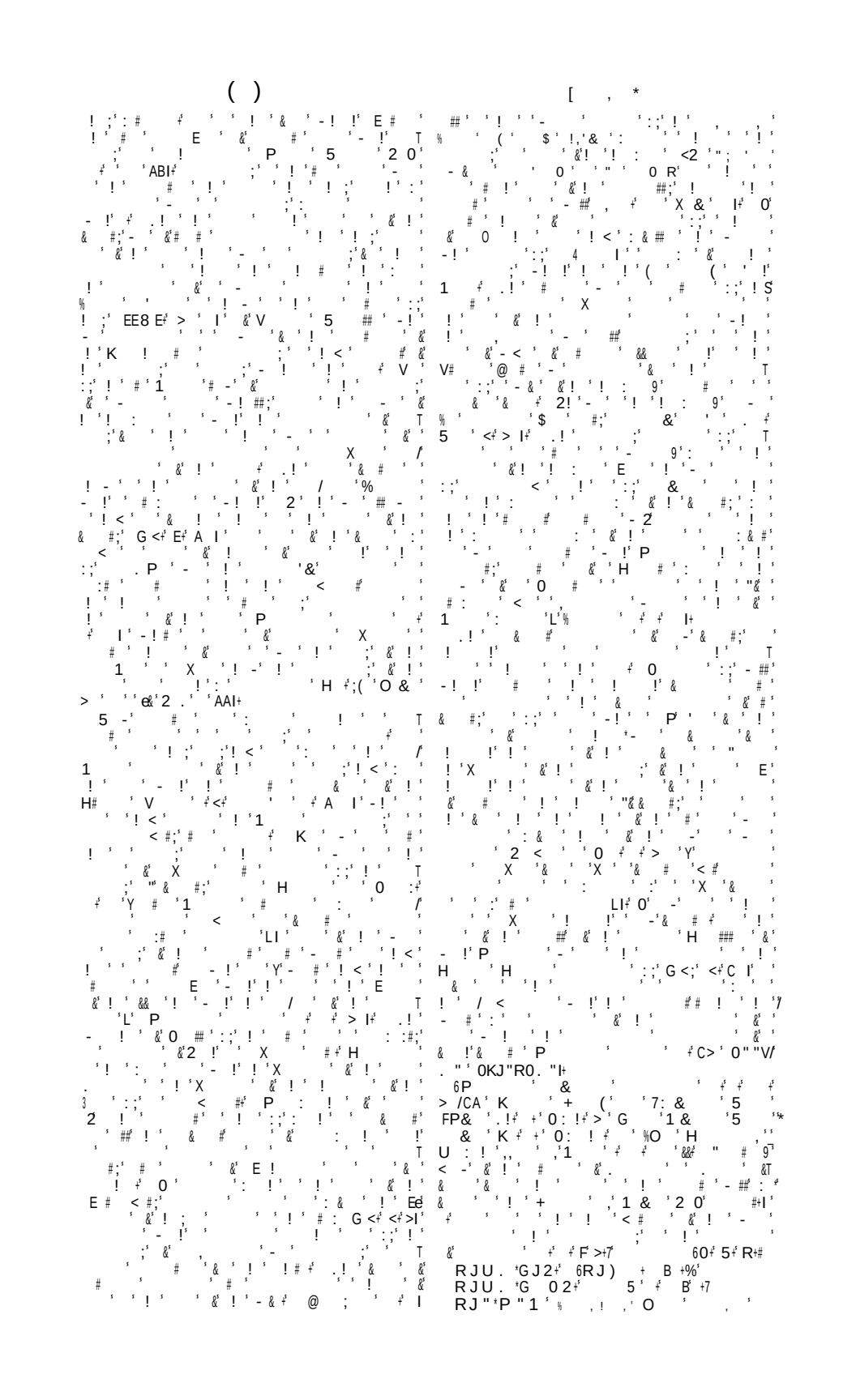

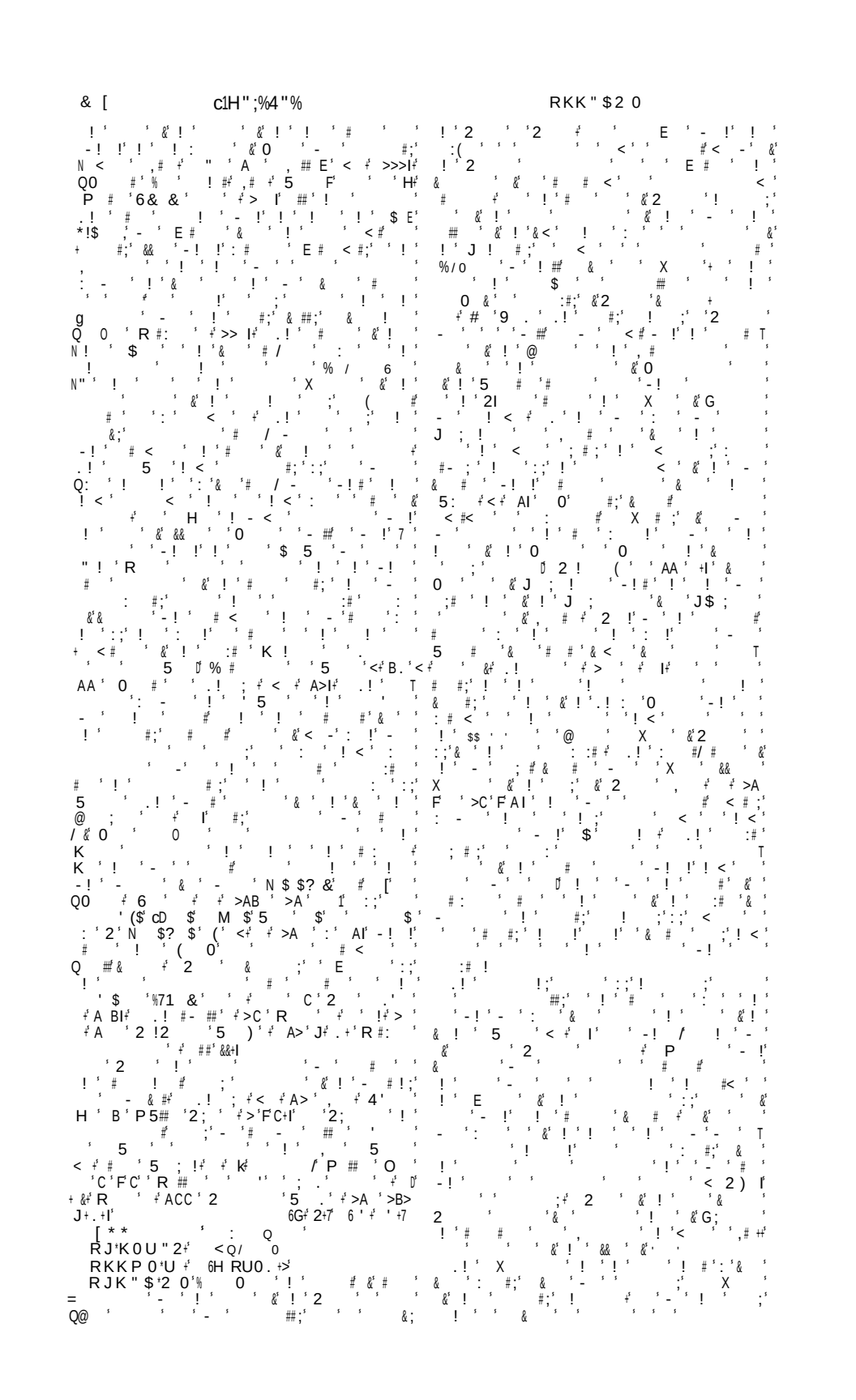

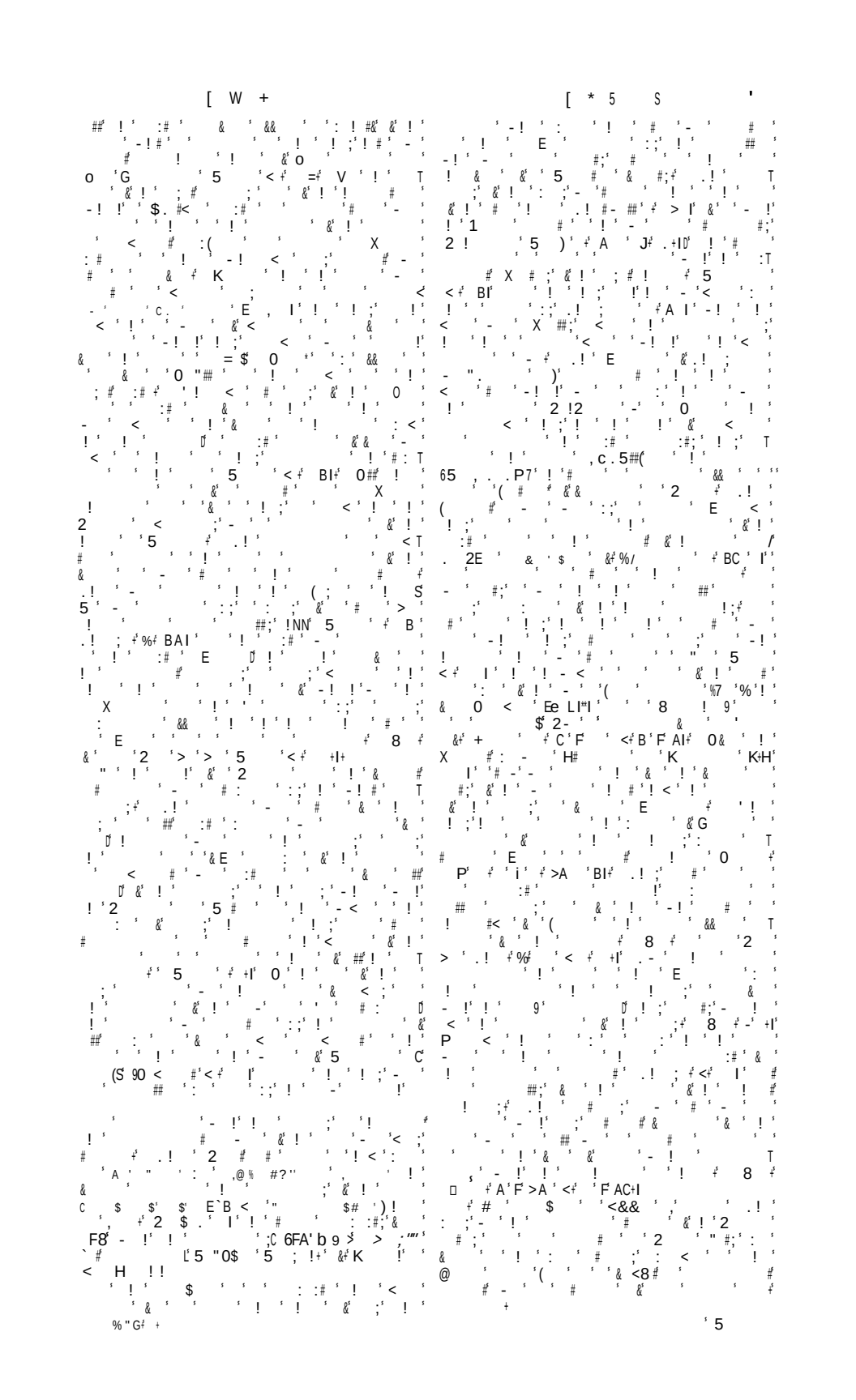

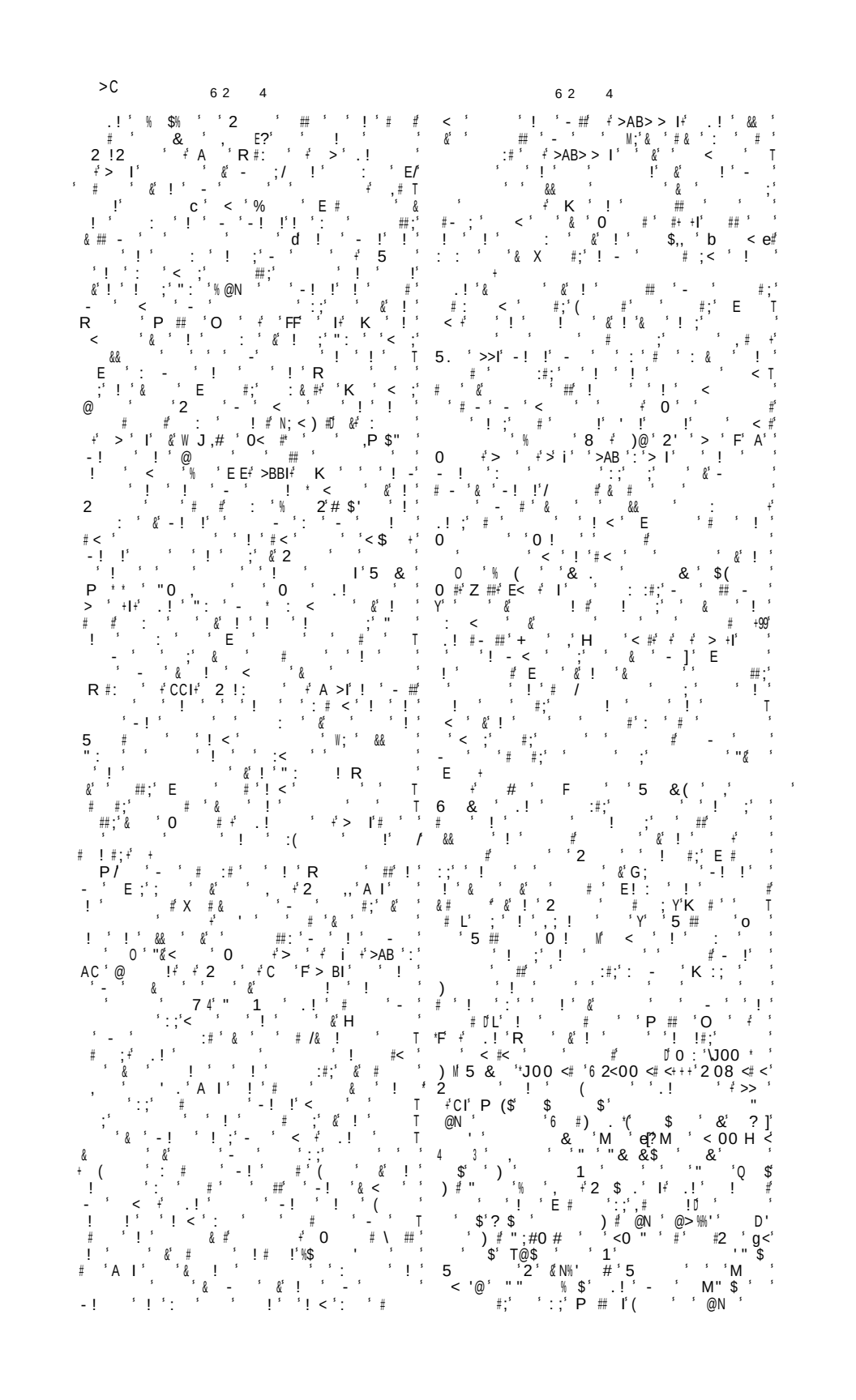

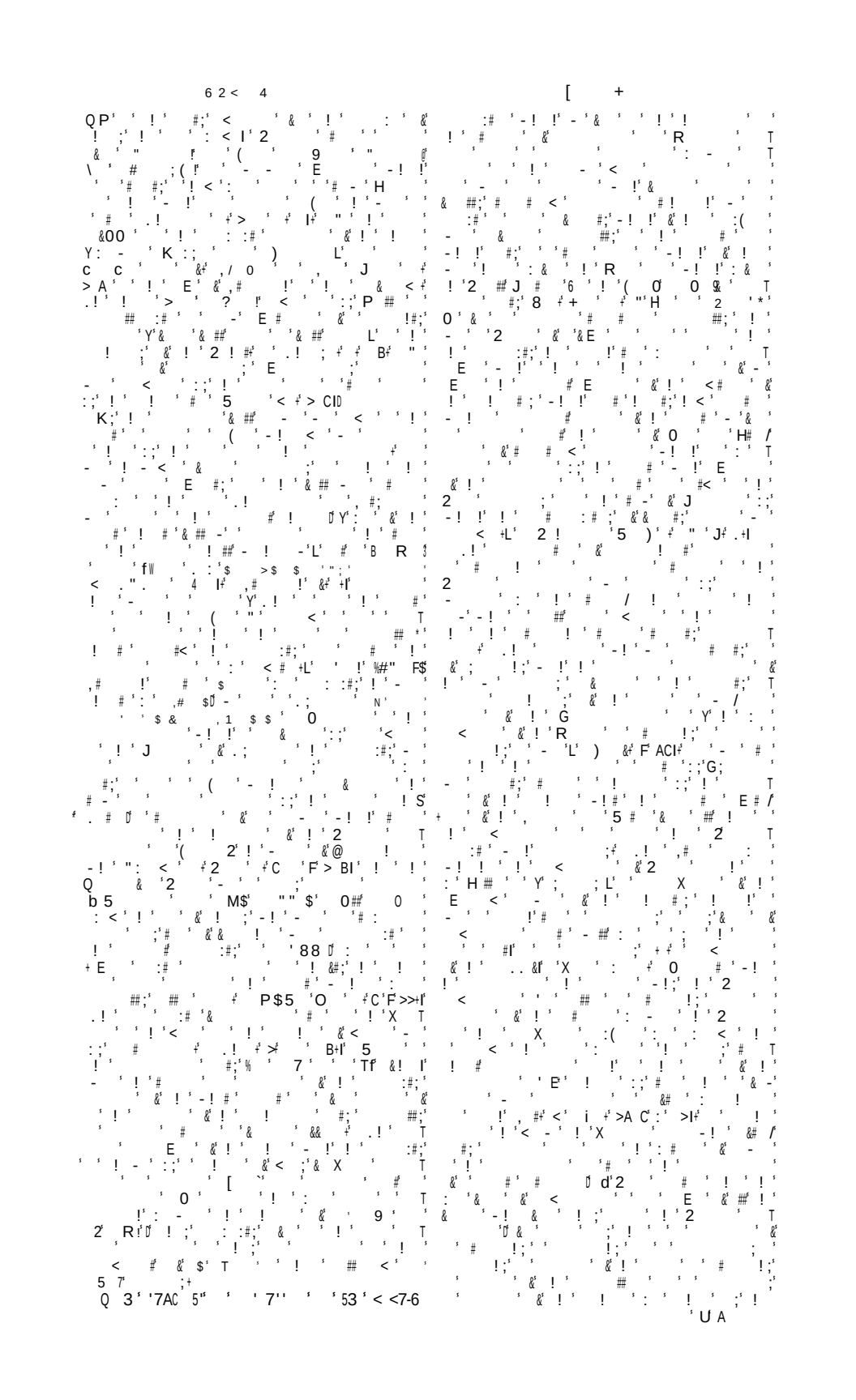

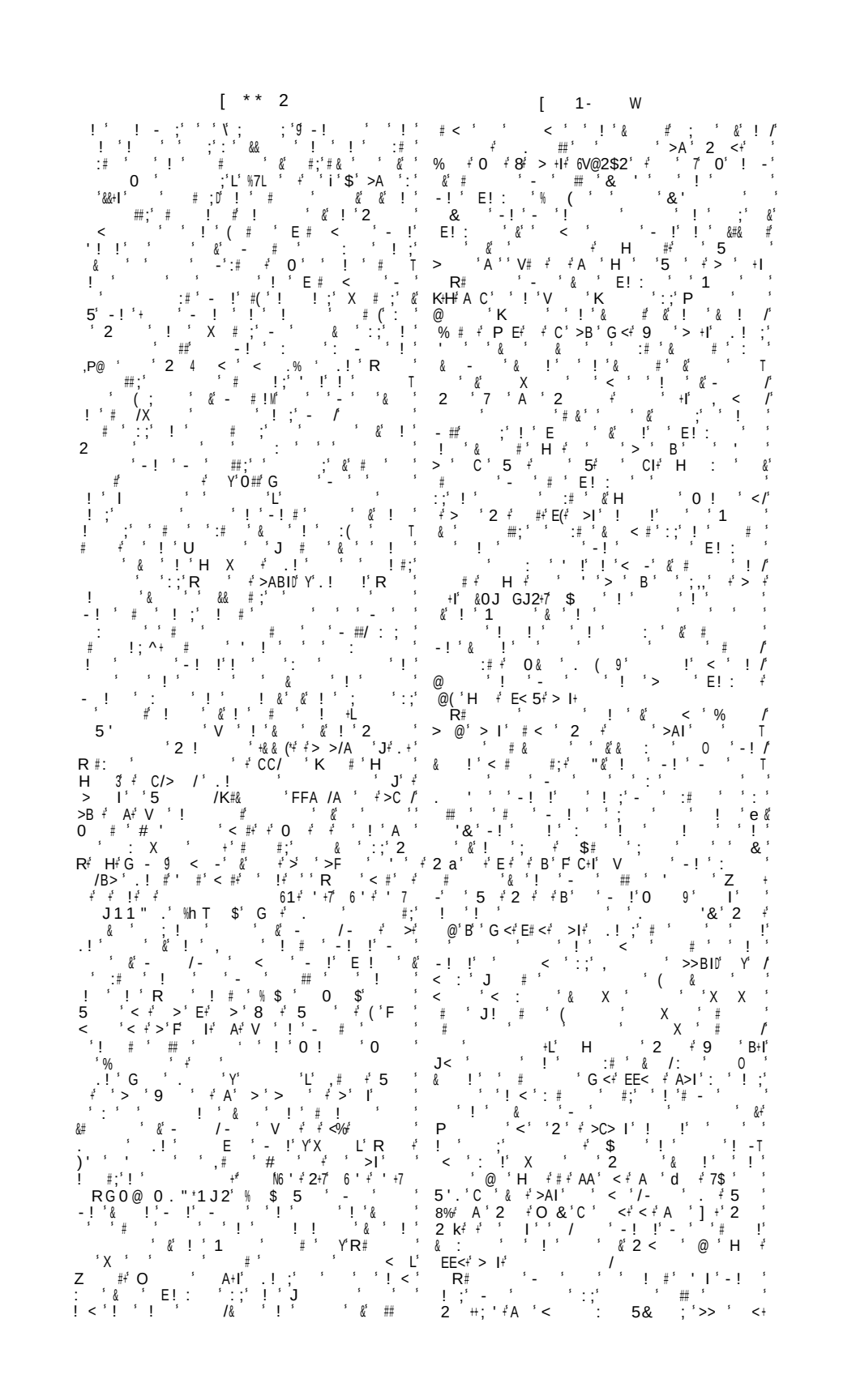

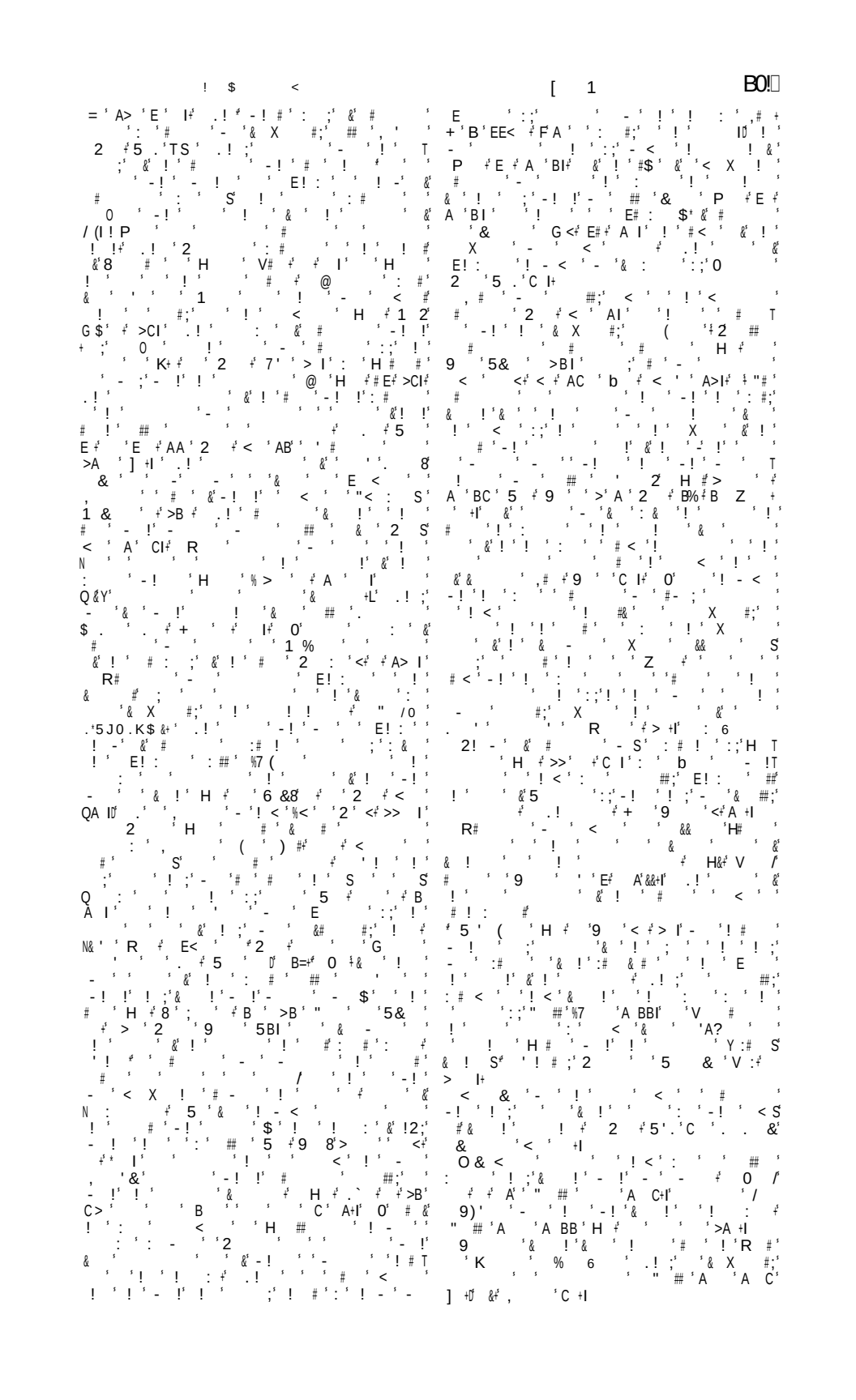

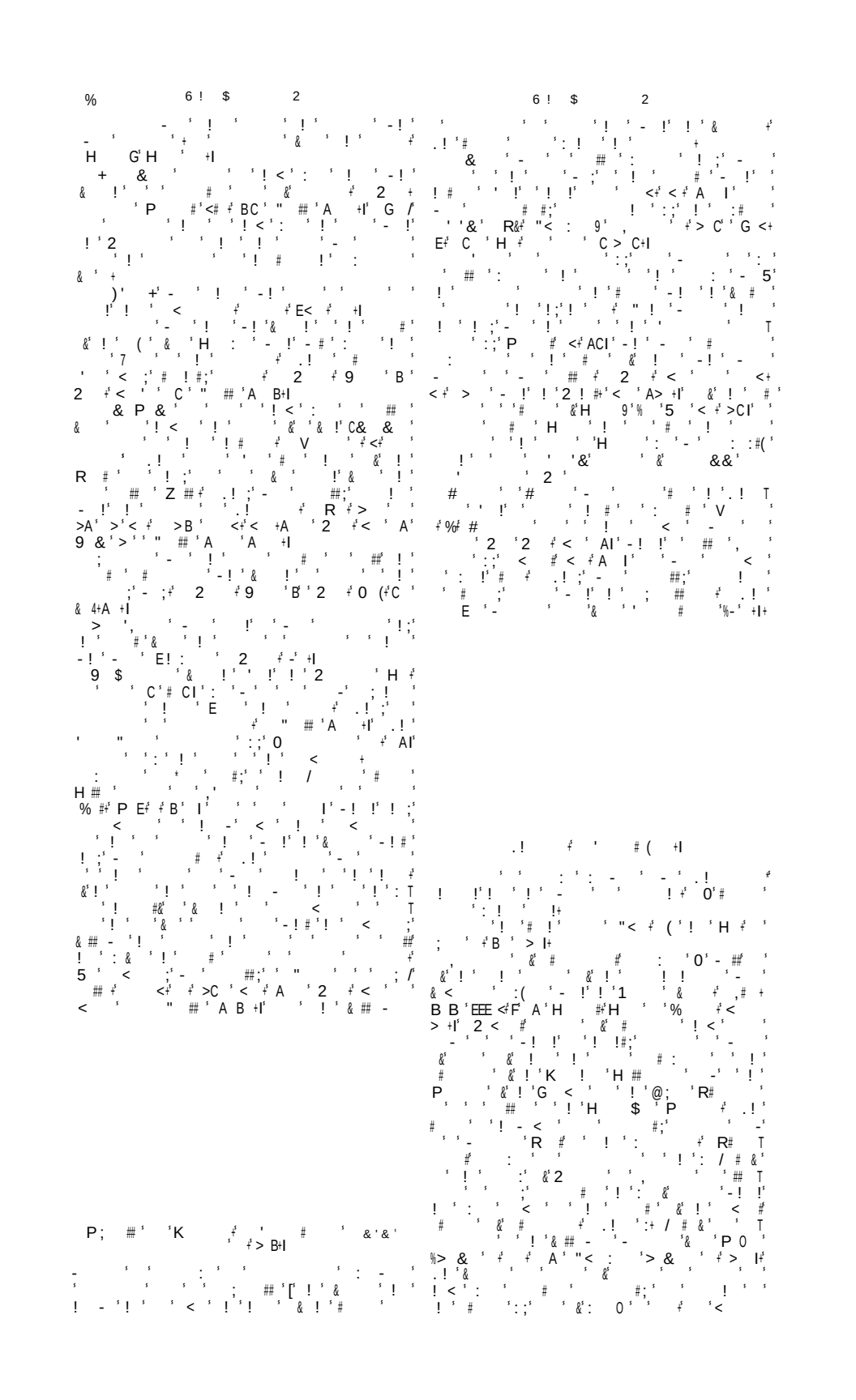

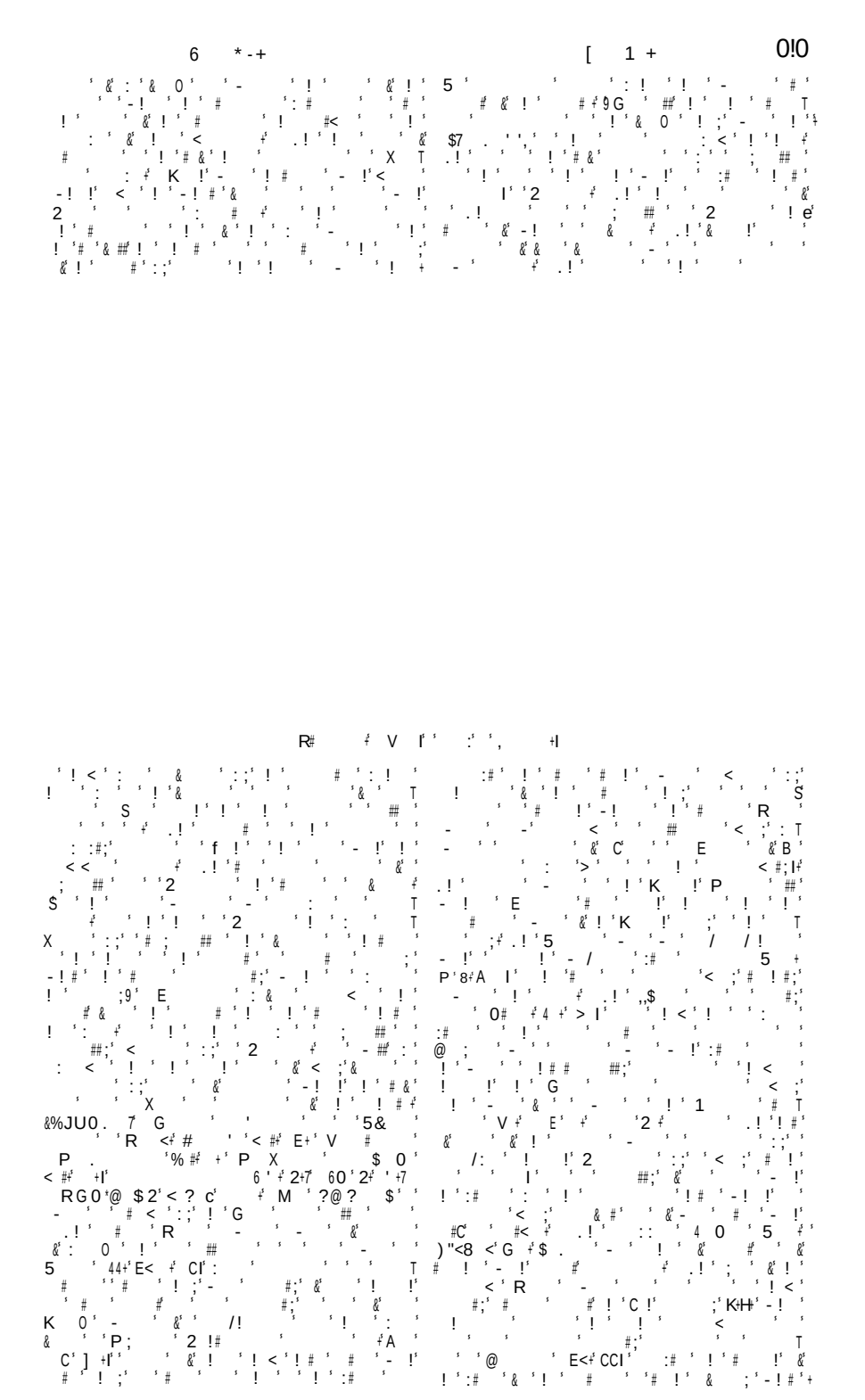

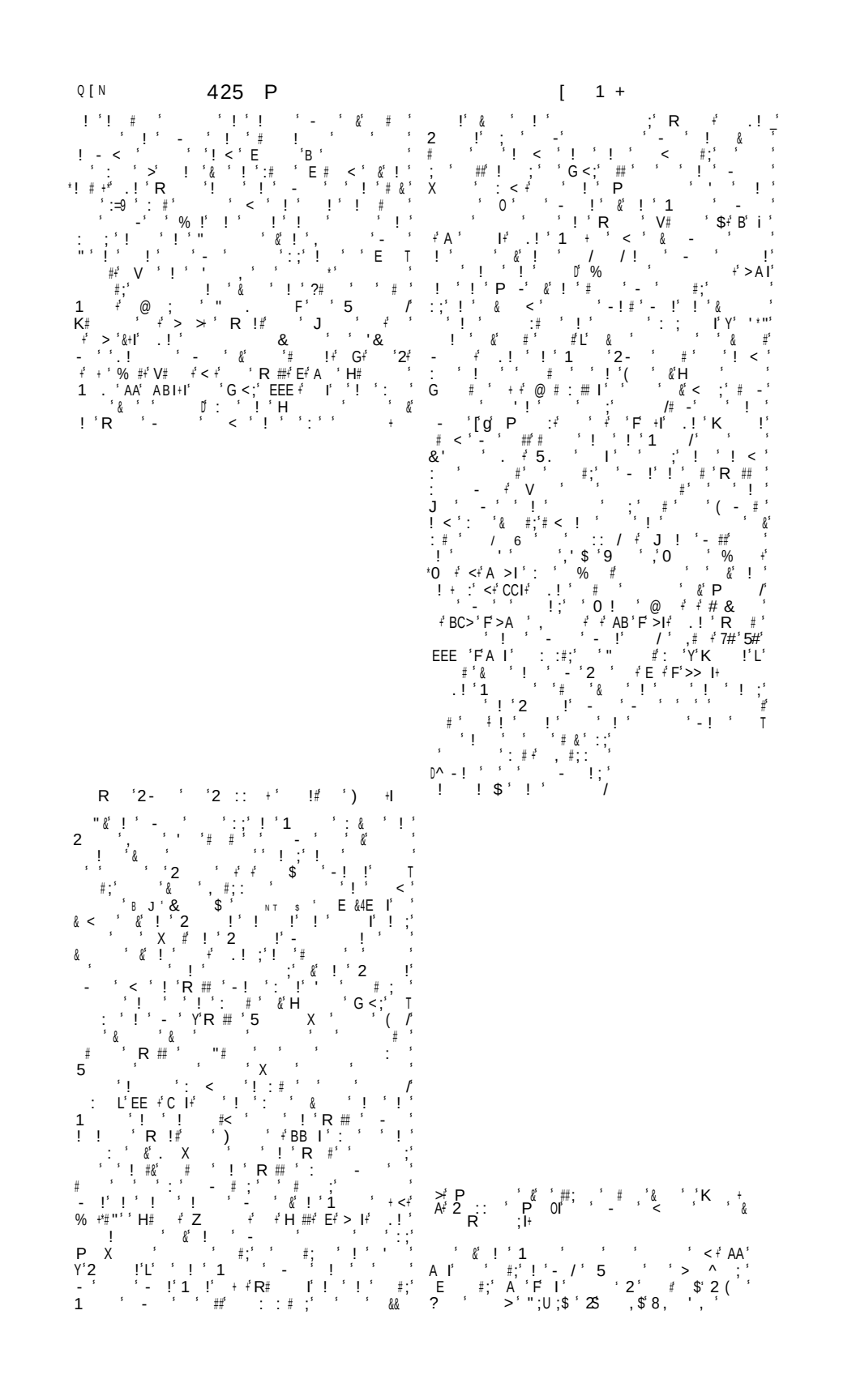

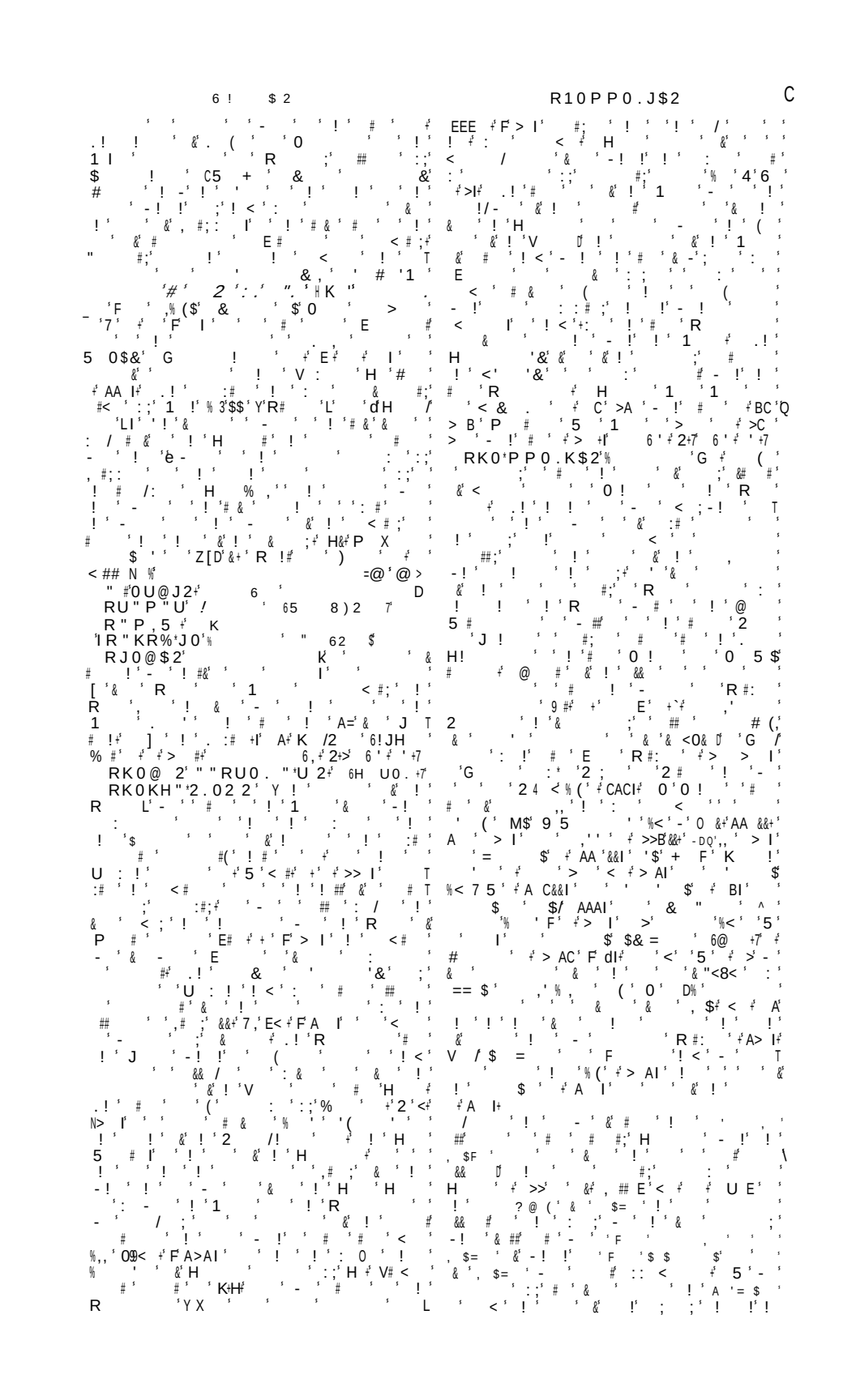

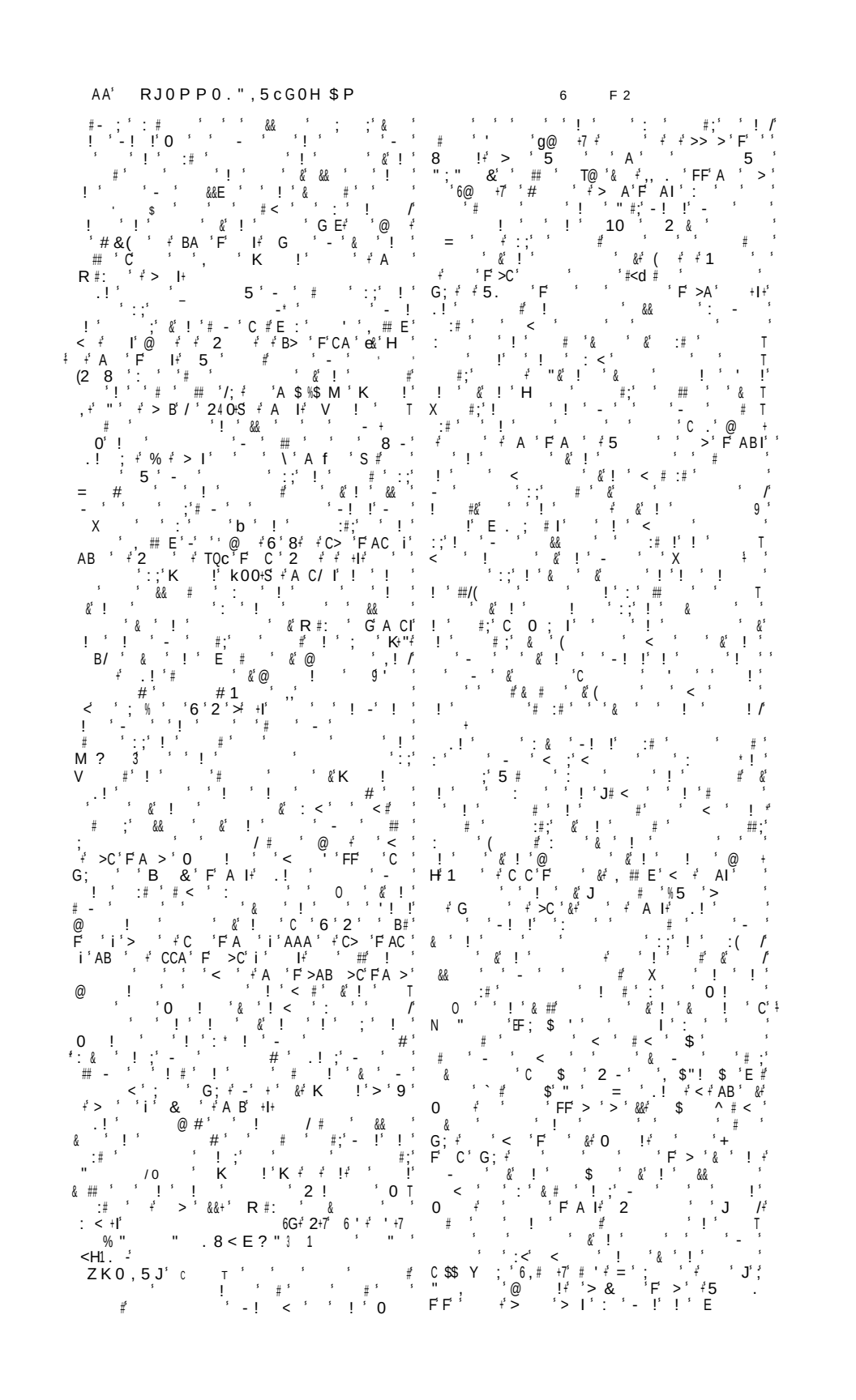

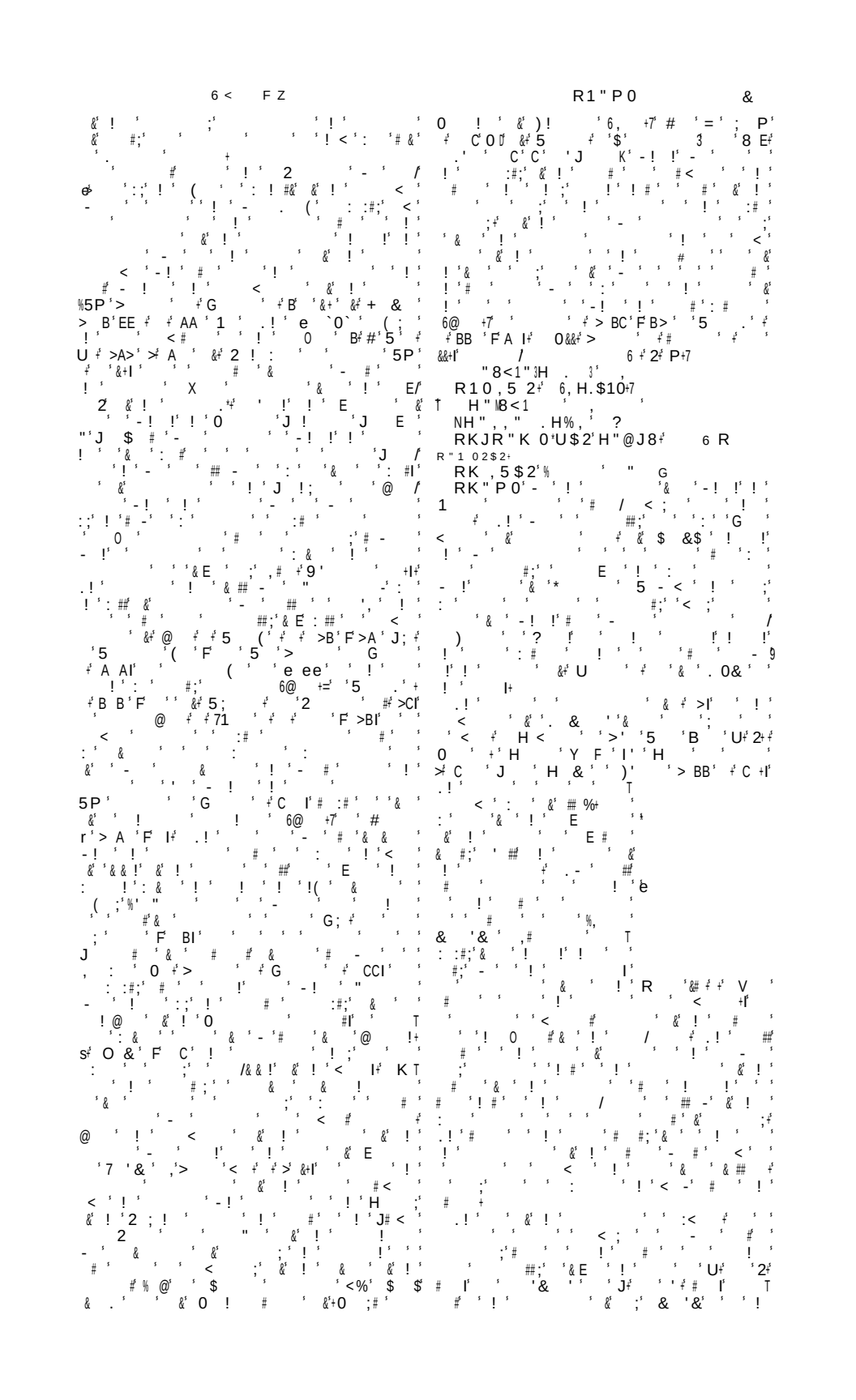

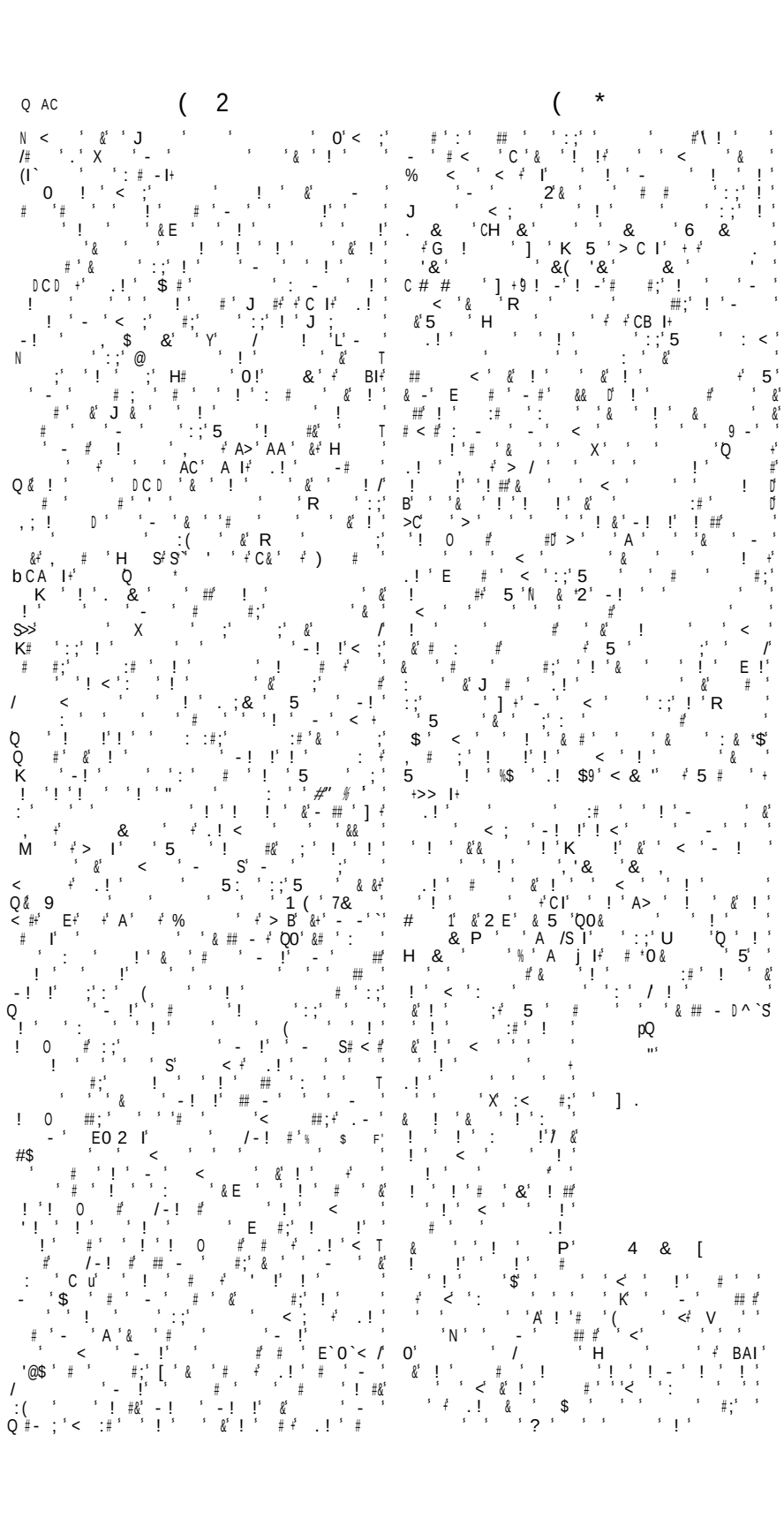

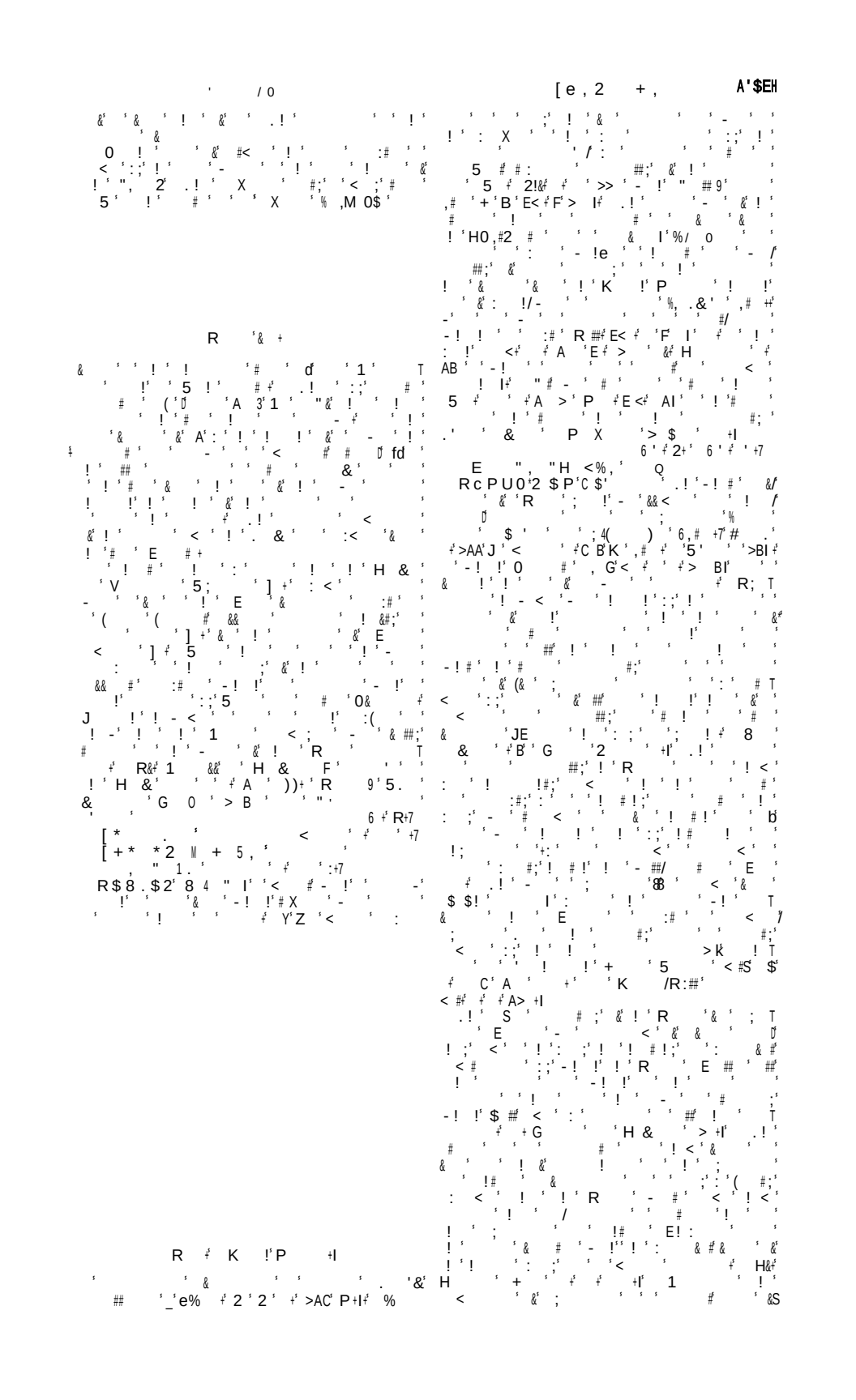

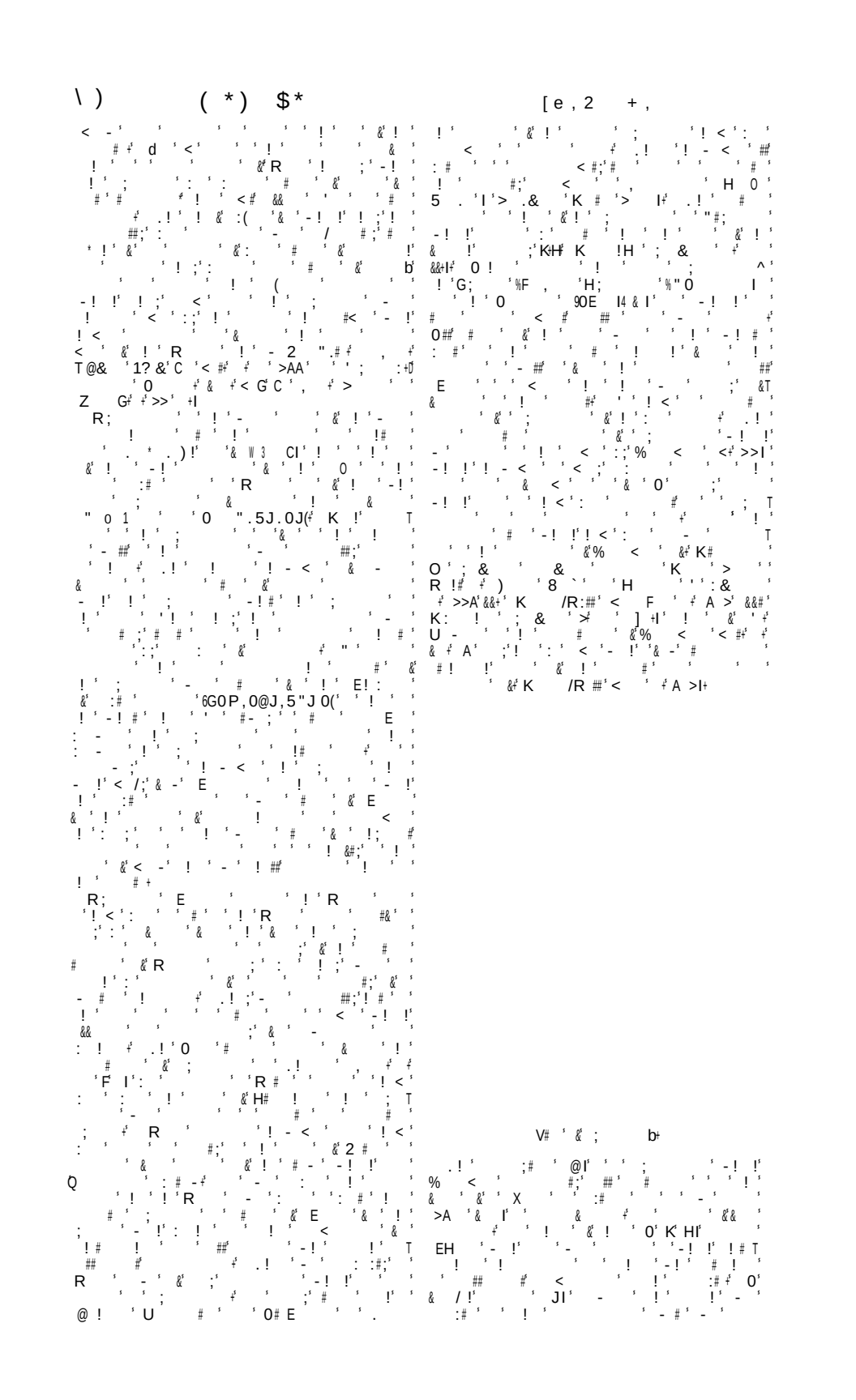

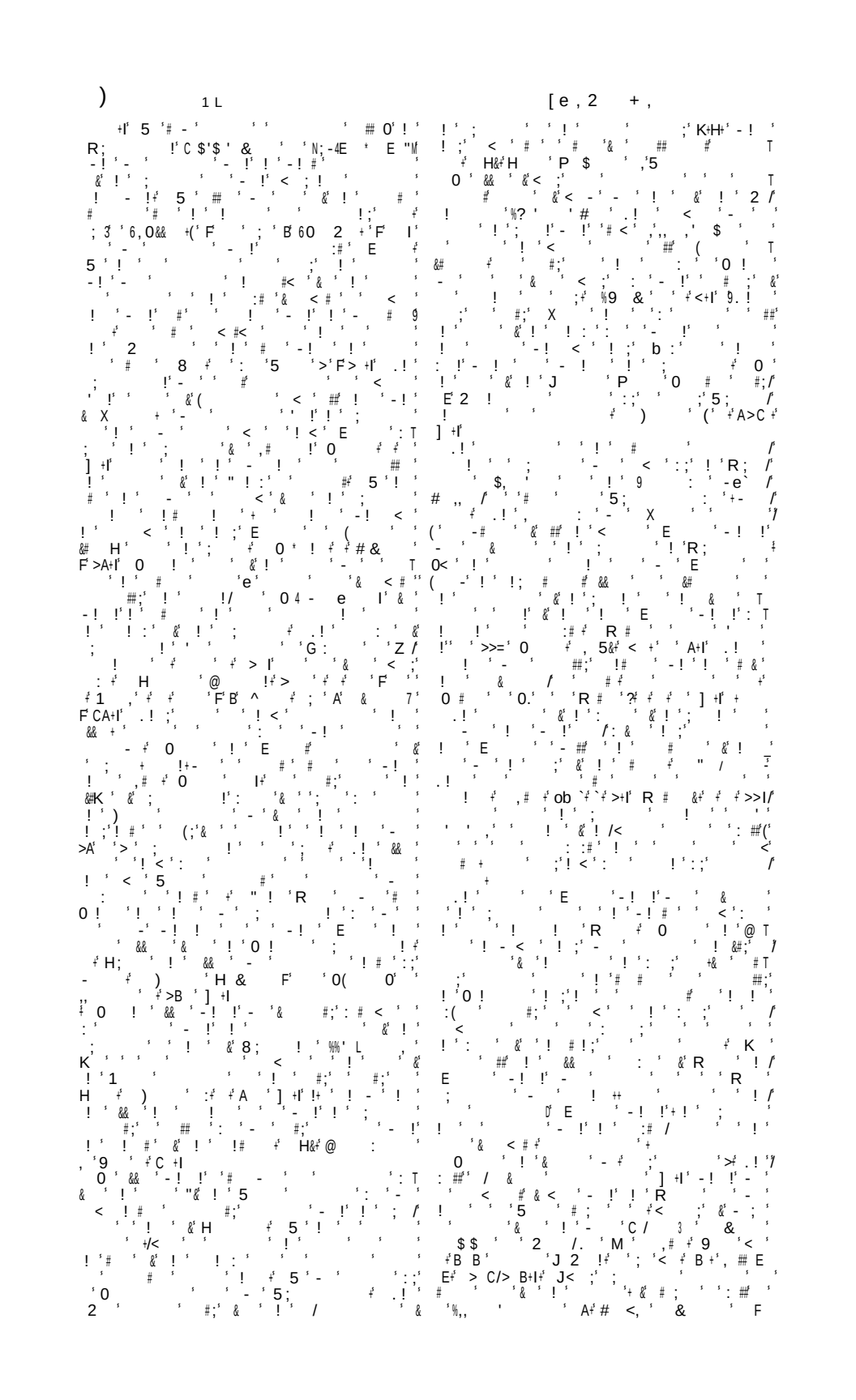

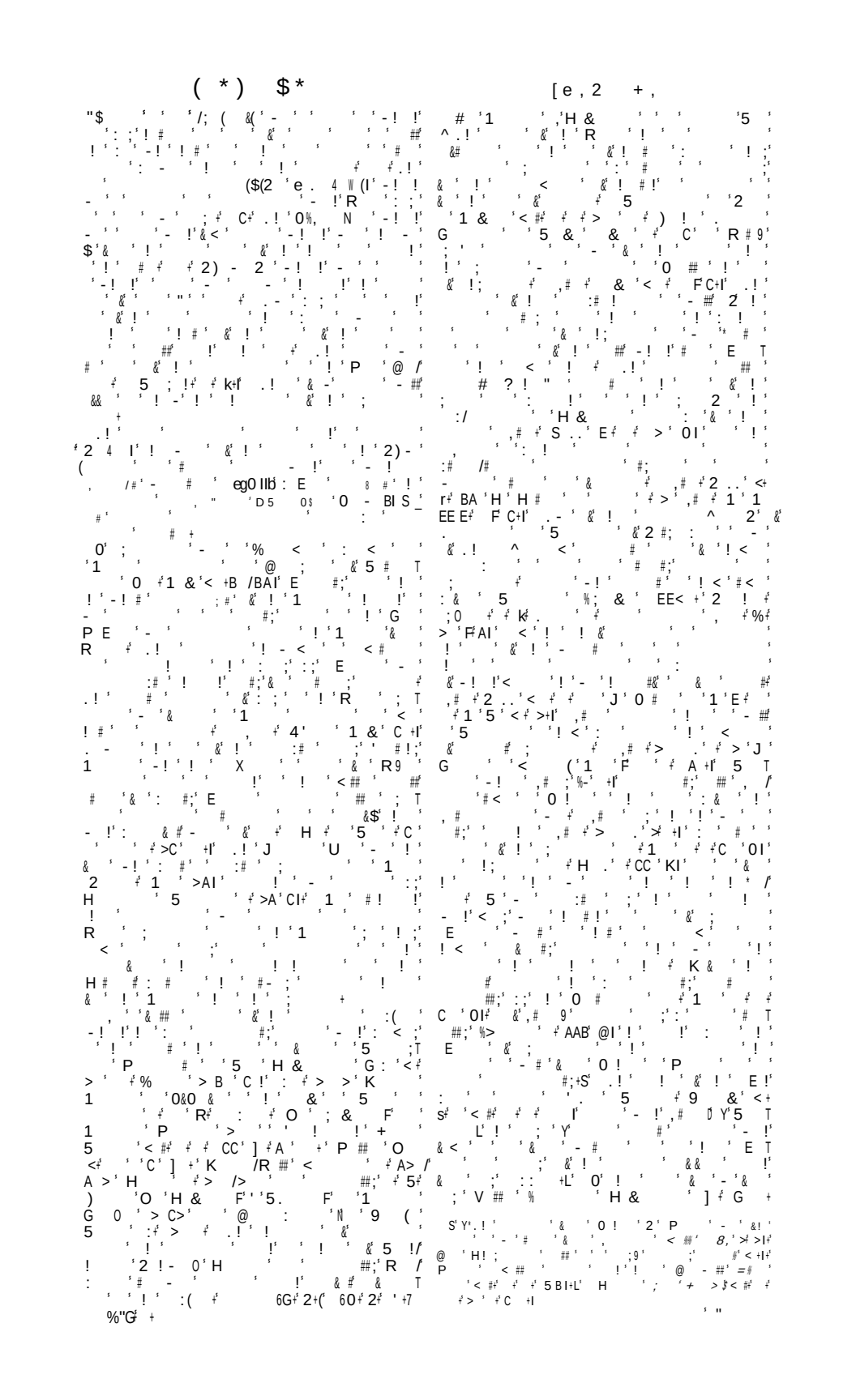

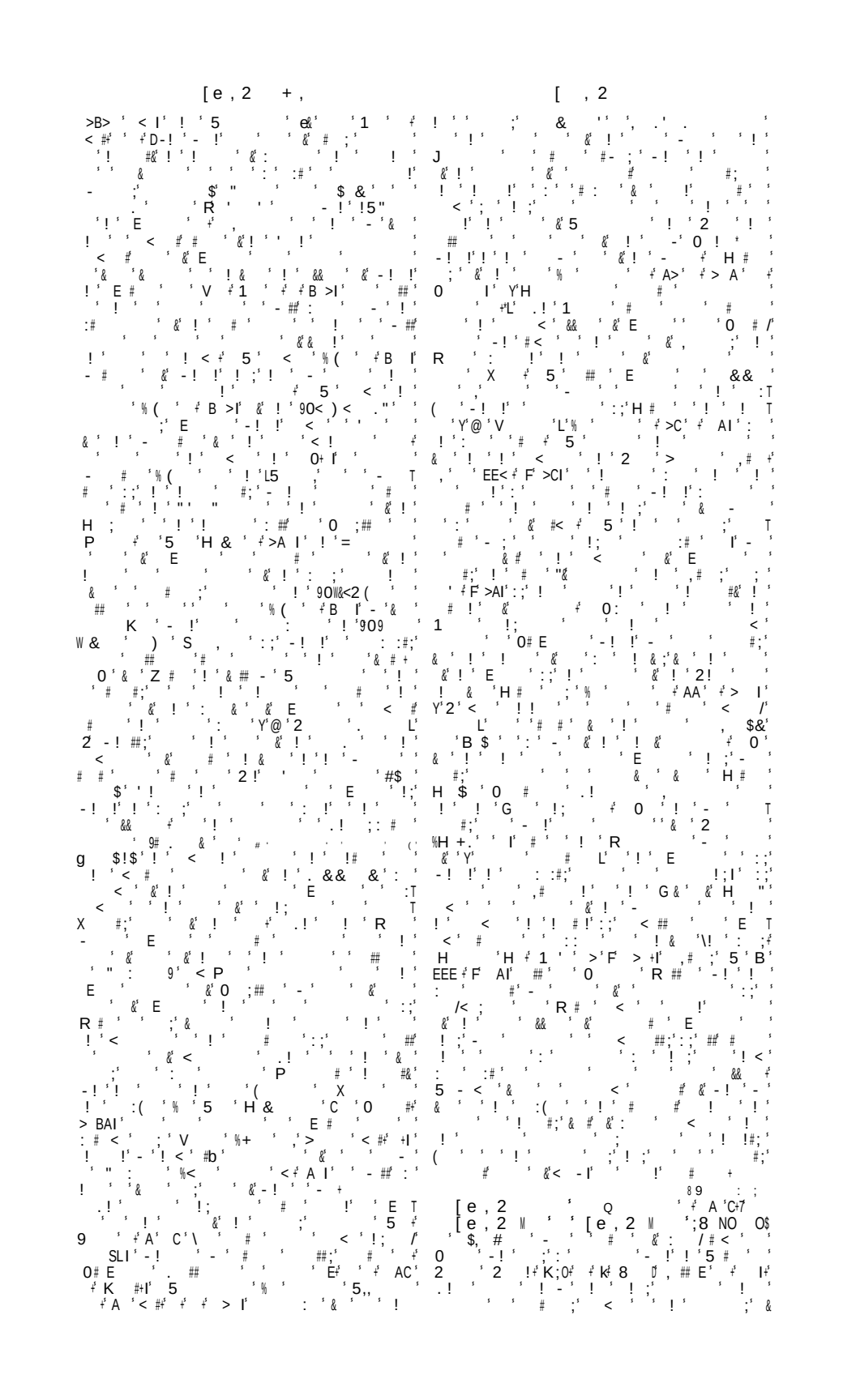

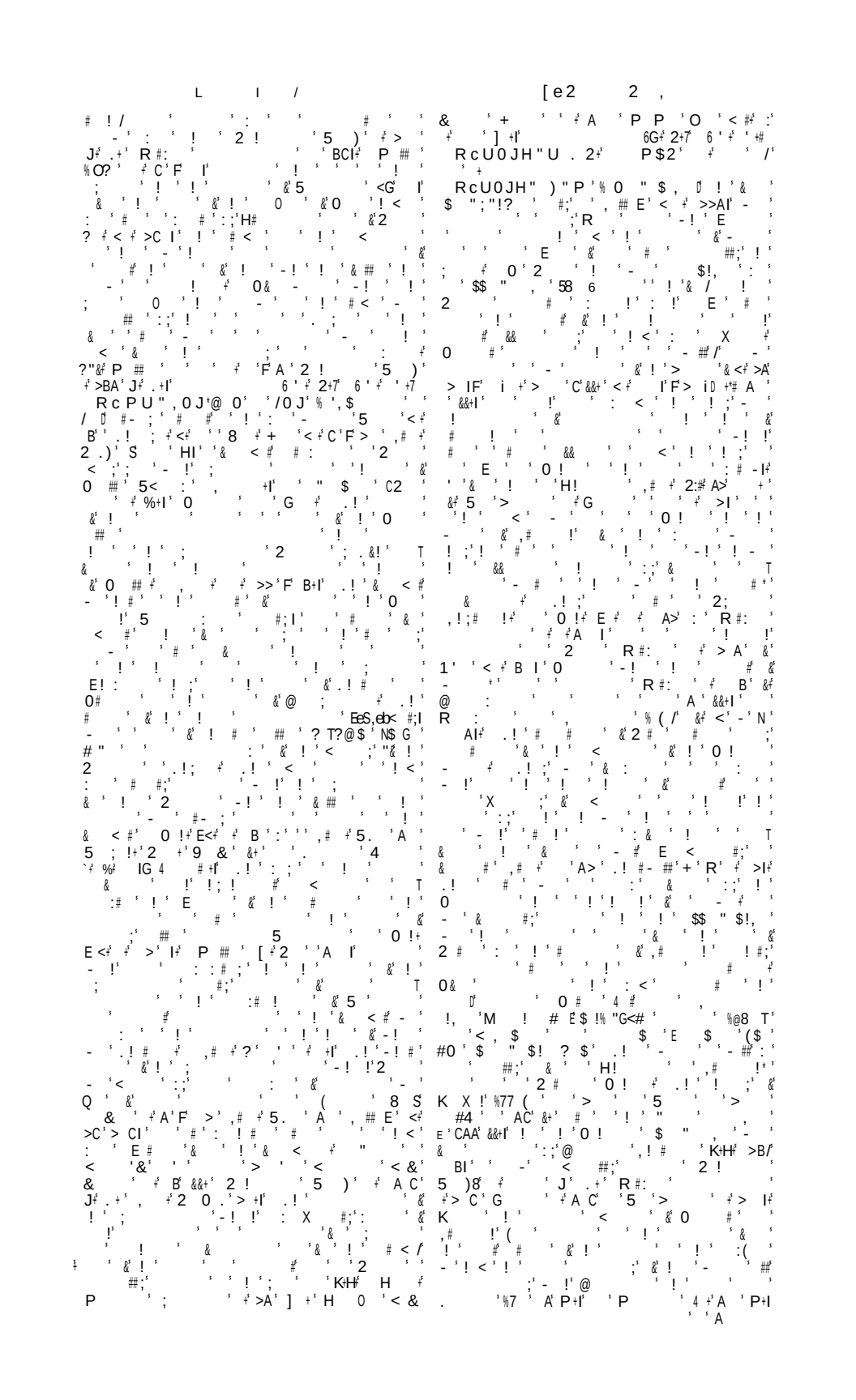

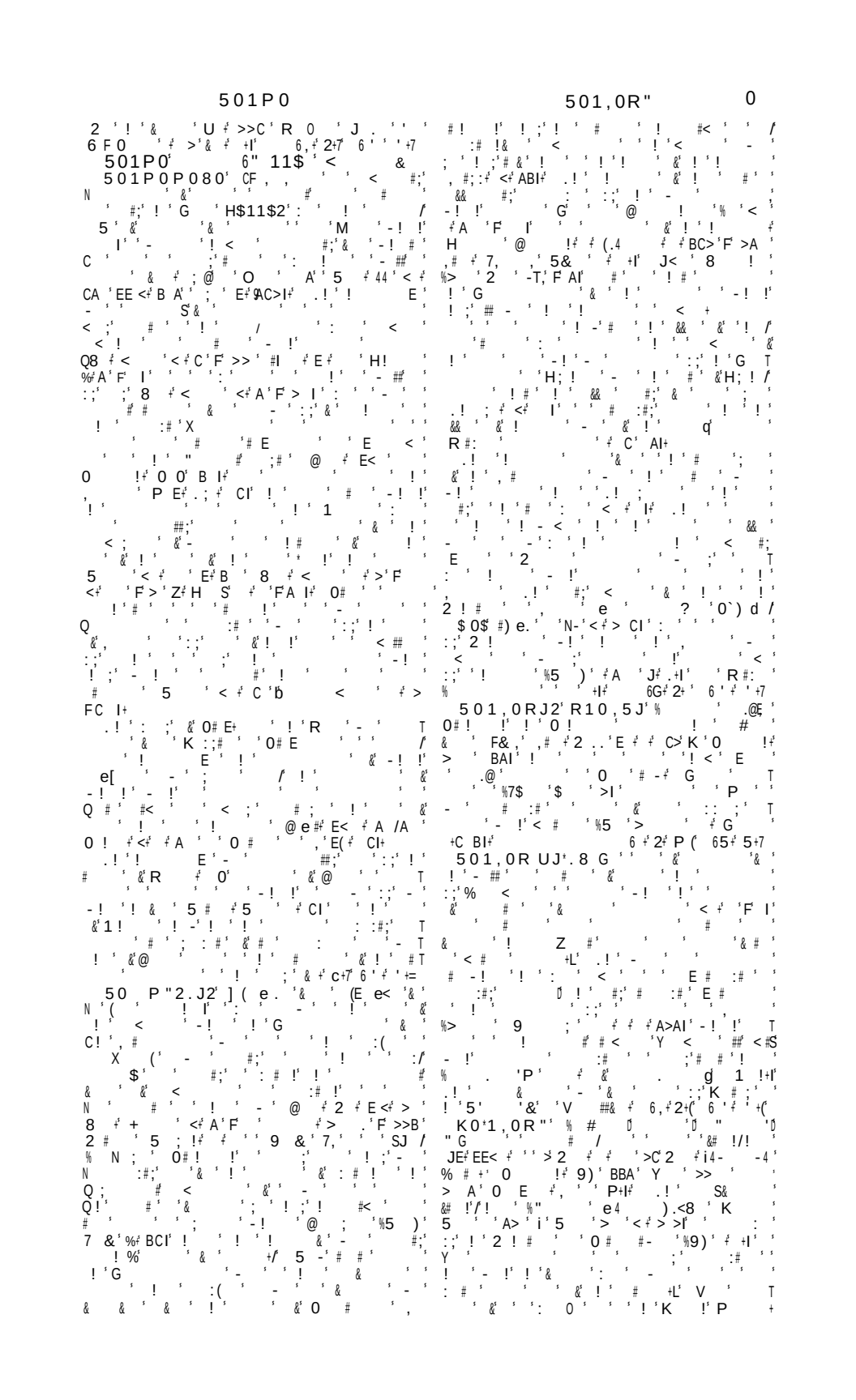

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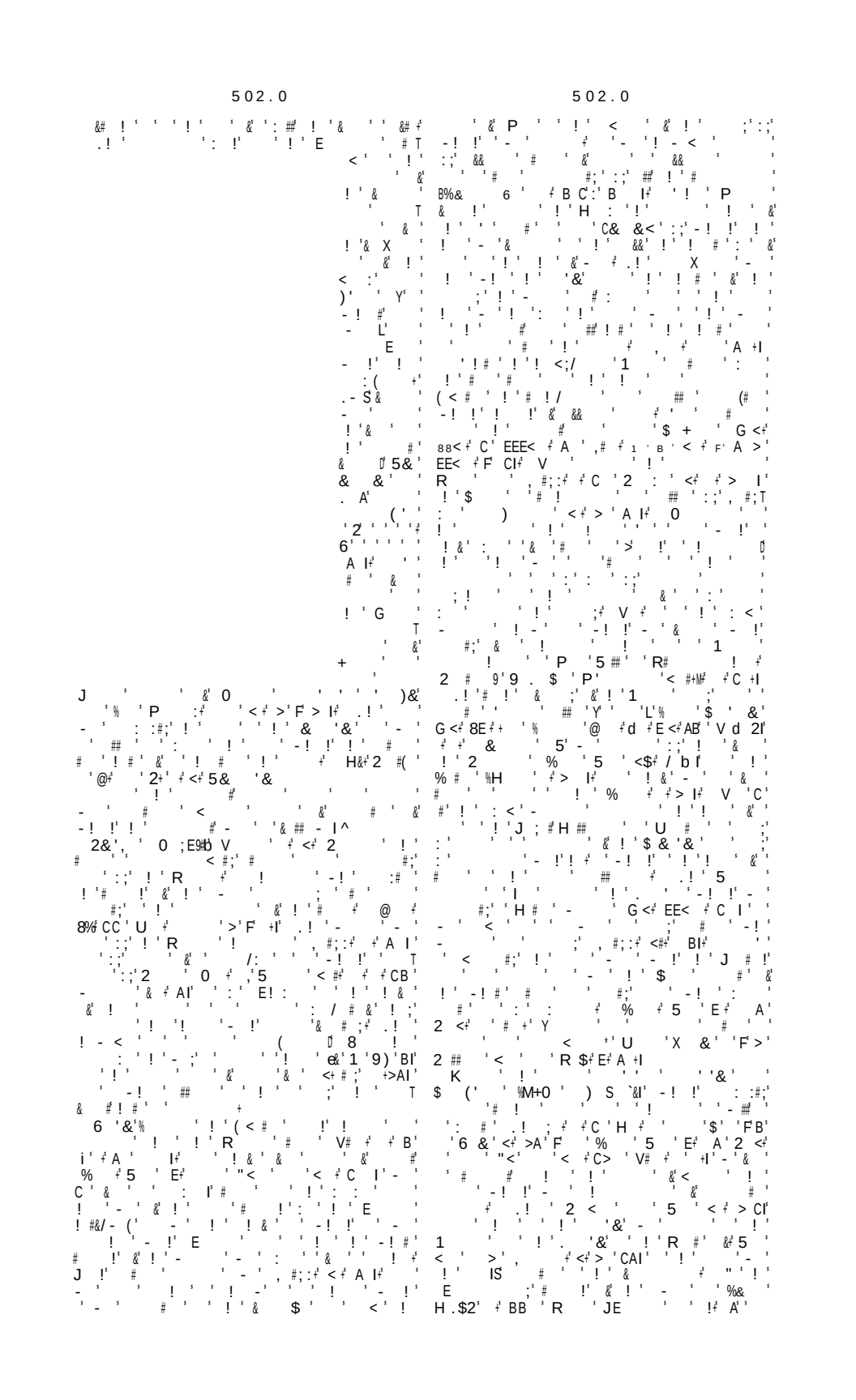


come down to us [see ELECTRUM, *ad fin.*]. The hectae of Phocaea of Mitylene and of Cyzicus abound in our museums: they are roundish coins made of a pale mixture of gold and silver, and weighing from 35 to 44 grains.

The twelfth or ἡμίεκτον of electrum was also a common coin. This is mentioned by Julius

Hecte of Phocaea.

Hecte of Cyzicus.

Pollux (ix. 62, quoting Crates) as the equivalent of eight obols of silver; that is to say, if the obols be Attic obols, ninety grains of silver, giving a proportion of value between electrum and silver of 4½ to 1, a proportion which can only have obtained if the electrum were of very base quality [P. G.]

HECTEMO'RII (ἑκτημόριοι), a name given to a class of cultivators in Attica before the time of Solon.

We have examples, among the unenfranchised classes in Greece, of agriculturists who had to pay a fixed quantity of produce and take all the risks of bad seasons: such were the Perioeci and Helots in Laconia [DECUMAE, *init.*; HELOTES]. We also find what is now known as the *métayer* system, under which landlord and tenant divide the produce in a certain proportion. The landlord's share was called μορτή, and land held under *métairie* was ἐπίμορτος γῆ (Pollux, vii. 151, quoting Solon). The ἑκτημόριοι were *métayers* who, according to some ancient authorities, paid a sixth portion to their masters and retained five-sixths for themselves (Plut. *Sol.* 13; Hesych. *s. v.* ἐπίμορτος): according to others, they received only a sixth part (Hesych. *s. v.* ἑκτήμοροι: Phot. *s. v.* πελάται: Eustath. *ad* Hom. *Od.* xix. 28, p. 1854). The correctness of the latter view, first insisted upon by Schömann (*Assemblies*, p. 362), is now generally admitted; had the tenants paid only a sixth, they would have been much better off than the landowners, whereas all the accounts testify to a state of oppression to which Solon applied a remedy. Boeckh, who in his first edition (*P. E.* p. 494) held that the cultivators paid the sixth part, afterwards came round to the opinion of Schömann (*Sthh.*[3] i. 578). The ἑκτημόριοι belonged to the class of θῆτες, though probably not all θῆτες were ἑκτημόριοι (Schömann, *Antiq.* i. 323 n.). They were also sometimes called πελάται, *i.e.* clients or dependents (Plat. *Euthyphr.* 4 C, with Schol.). (Schömann, *Assemblies*, p. 362; *Antiq. Jur. Publ.* p. 169; *Antiq.* i. 323, E. T.; Hermann, *Staatsalterth.* § 100 n. 16, 101 n. 10; Büchsenschütz, *Besitz und Erwerb*, p. 49 f.; Gilbert, *Staatsalterth.* i. 125 f.)

For the Roman *métayers*, called *partiarii*, see AGRICULTURA, p. 60 *a*; and cf. Gaius, *Inst.* ii. 254, and *ap.* Dig. 19, 2, 25; *pecora partiaria*, i.e. the same system applied to the increase of cattle, Cod. Just. 2, 3, 8. [W. S.] [W. W.]

HEDNA (ἕδνα). [DOS.]

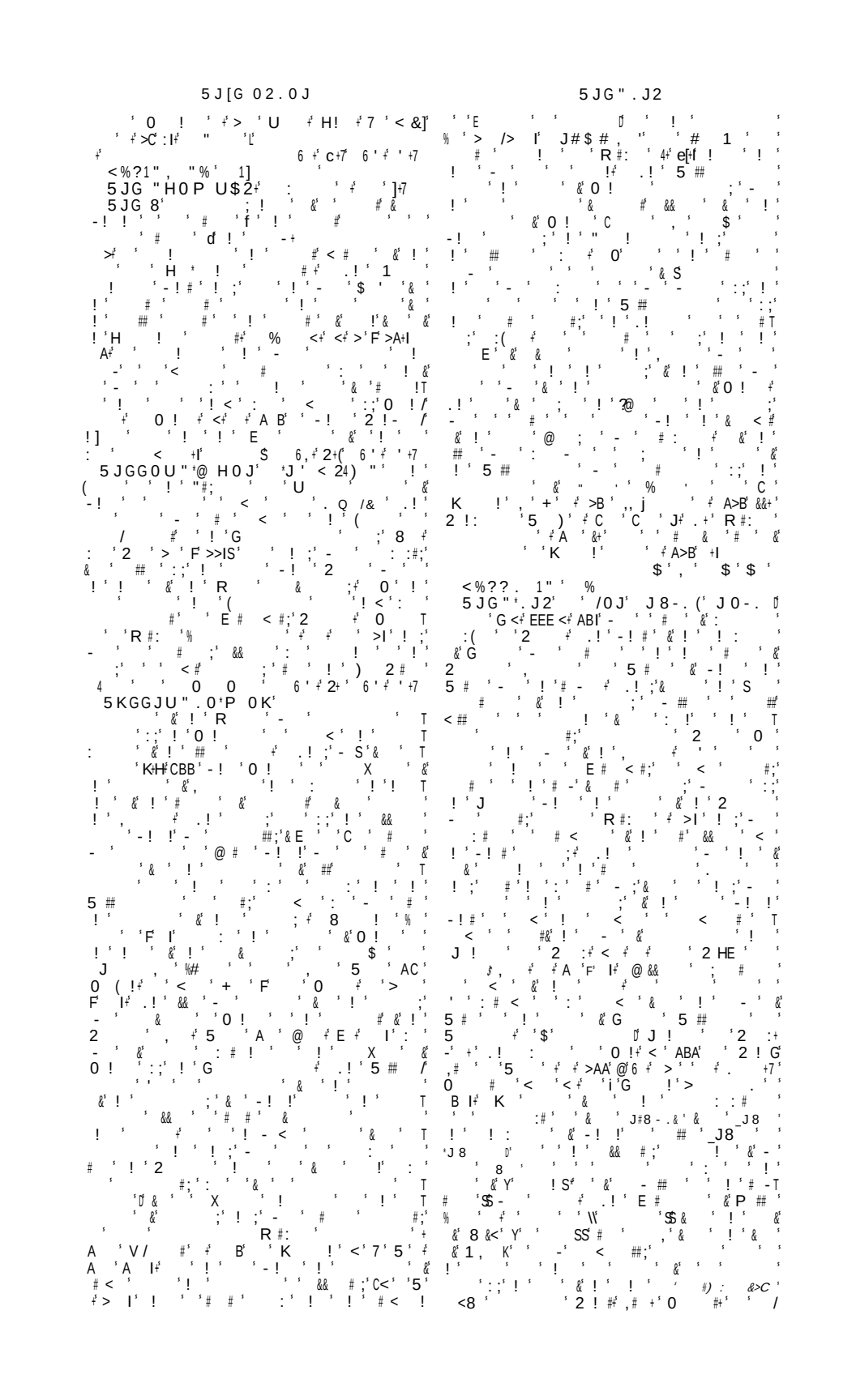
HEGEMO'NIA DIKASTE'RIOU. [EISAGOGEIS.]

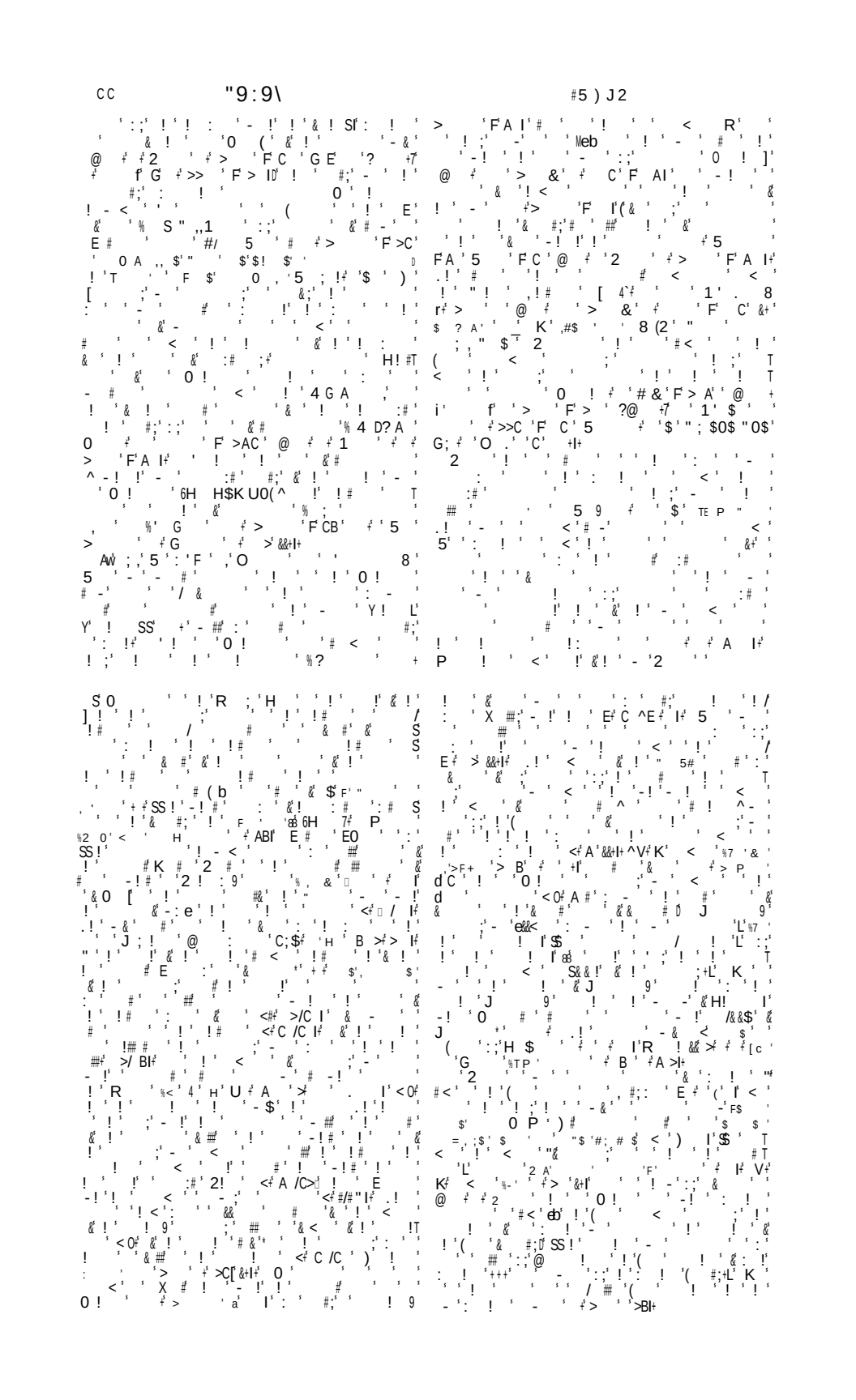
HEGETO'RIA. [PLYNTERIA.]

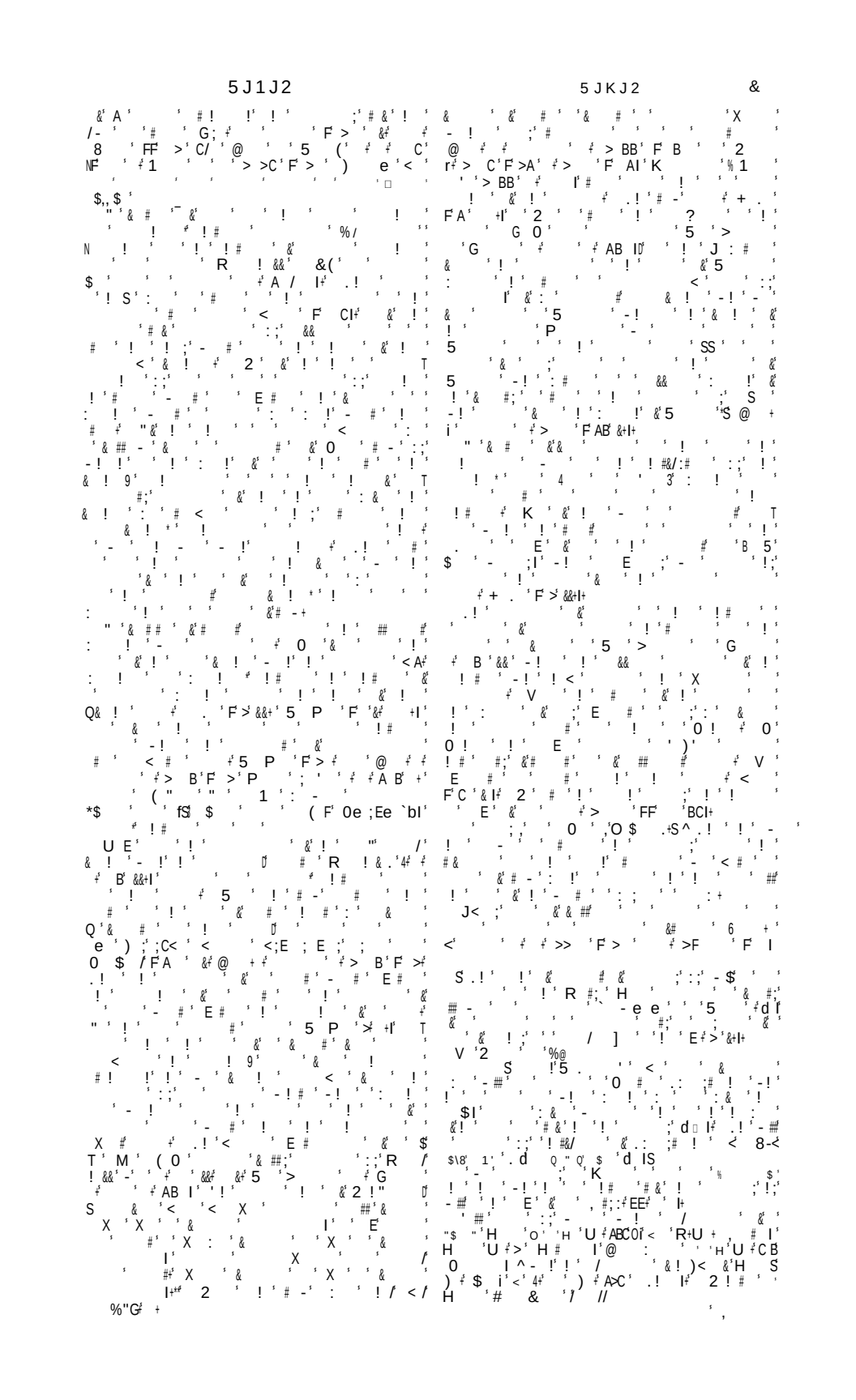
HEIRGMOU DIKE (εἱργμοῦ δίκη). This was an action for keeping a free person in private custody. There are no orations upon this subject extant. Pollux (vi. 353) mentions εἱργμὸς in a list of ἀδικήματα. The *Lex. Cantabr.* s. v. defines it, εἴ τίς τινα ἔδησεν ἢ συνέσχεν ἀδίκως, and quoting Dem. *c. Mid.* p. 562, § 147, hints that Agatharchus the painter might have adopted this remedy against Alcibiades ([Andoc.] *c. Alcib.* §§ 17, 18; Plut. *Alcib.* 16). In Dinarch. *c. Demosth.* § 23, it is mentioned that a miller incurred capital punishment for a like offence. Meier looked upon it as another instance of εἱργμός, whilst Maetzner (*ad l. c.*) and Lipsius (*Att. Process*, p. 410 n.) take it to be a γραφὴ ὕβρεως. If the latter view be correct, the punishment was not so severe as to cause any astonishment (such as Thonissen expresses, *Droit pénal*, p. 294 f.). Quite different from this action was ἀδίκως εἱρχθῆναι ὡς μοιχόν. [ADULTERIUM.] [J. S. M.] [H. H.]

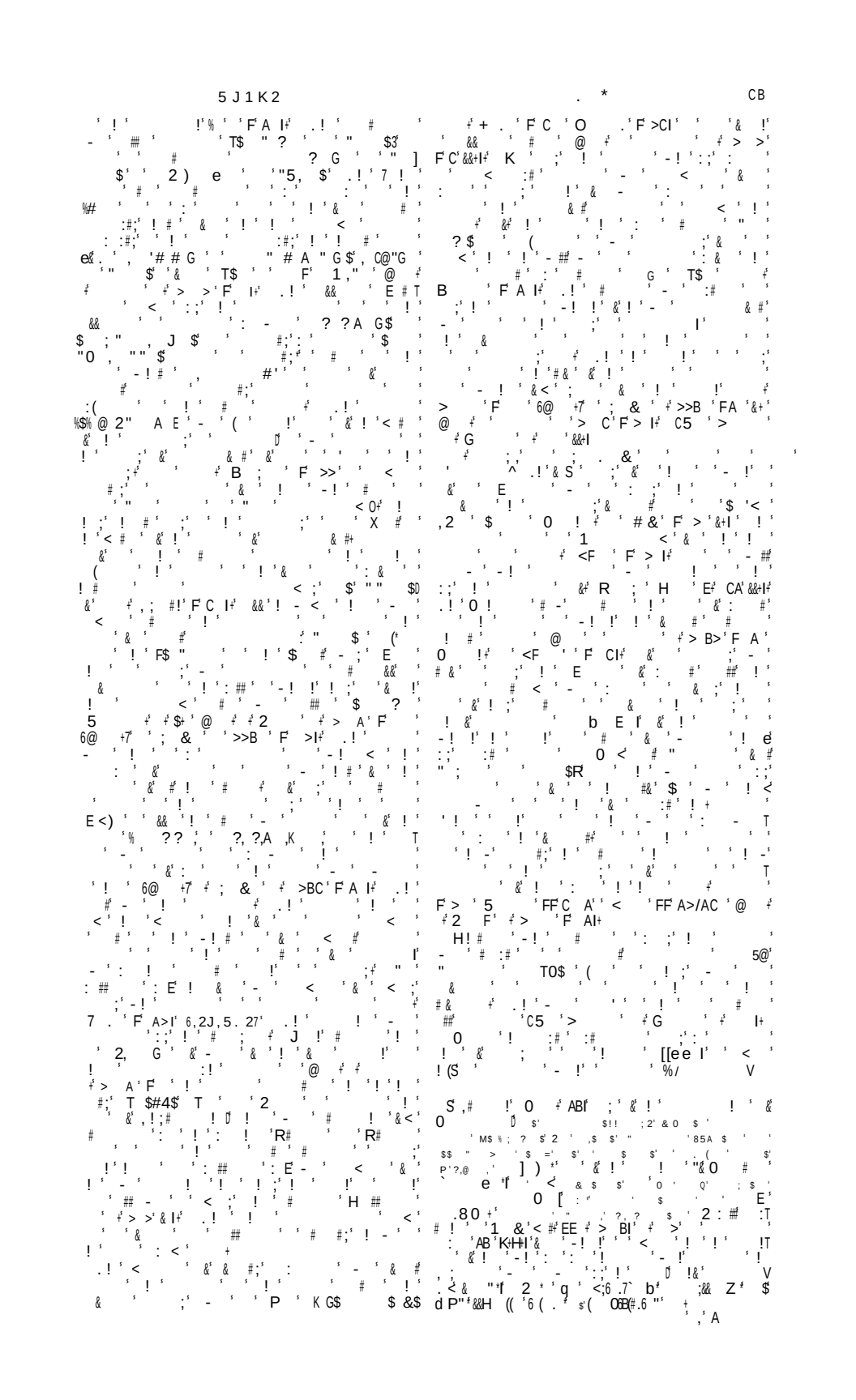
HELE'POLIS (ἑλέπολις). When Demetrius Poliorcetes besieged Salamis in Cyprus B.C. 306, he caused a machine to be constructed, which he called "the taker of cities." Its form was that of a double cube, 45 cubits square and 90 high. It rested on four wheels, each 8 cubits high. It was divided into nine stories, the lower of which contained machines for throwing great stones, the middle large catapults for throwing spears, and the highest, other machines for throwing smaller stones, together with smaller catapults. It was manned with 200 soldiers, besides those who moved it by pushing the parallel beams at the bottom. (Diod. xx. 48.)

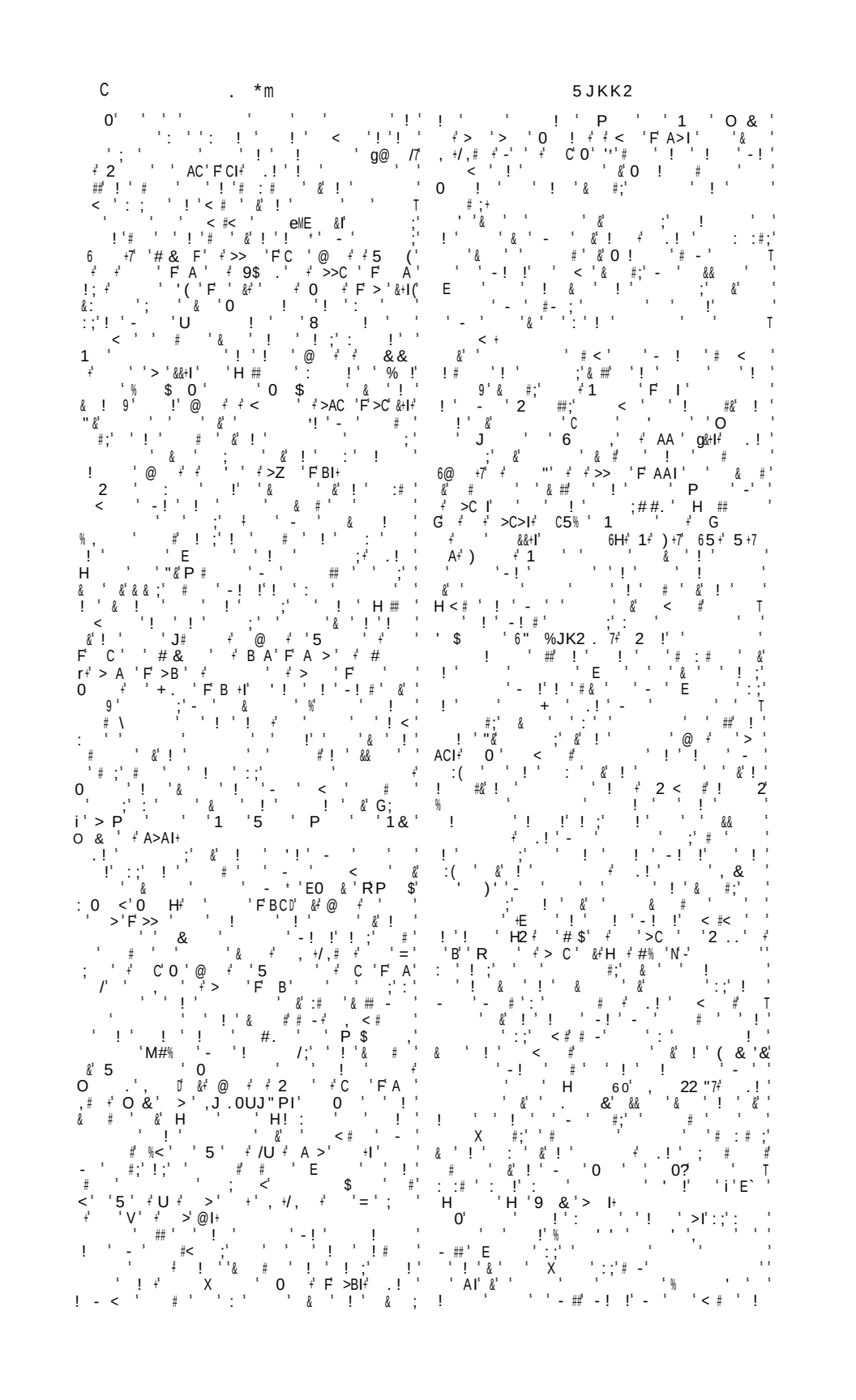
At the siege of Rhodes, in the following year, Demetrius employed a helepolis of still greater dimensions and more complicated construction. Besides wheels it had castors (ἀντίστρεπτα), so as to admit of being moved laterally as well as directly. Its form was pyramidal. The three sides which were exposed to attack were rendered fire-proof by being covered with iron plates. In front each story had port-holes, which were adapted to the several kinds of missiles, and were furnished with shutters that could be opened or closed at pleasure, and were made of skins stuffed with wool. Each story had two broad flights of steps, the one for ascending, the other for descending. (Diod. xx. 91; Plut. *Demetr.* 21; compare Vitruv. x. 22.) This helepolis was constructed by Epimachus the Athenian; and a much esteemed description of it was written by Dioclides of Abdera. (Athen. v. p. 206 d.) It was no doubt the greatest and most remarkable engine of the kind that was ever erected. In subsequent ages we find the name of "helepolis" applied to moving towers which carried battering-rams, as well as machines for throwing spears and stones. Engines of this kind were used to batter the walls of Jerusalem at the siege under Titus (Joseph. *B. J.* ii. 19, § 9; iii. 6, § 2). One described by Ammianus does not differ much from the earlier model (Amm. Marc. xxiii. 4, § 10); we find them likewise in the Byzantine

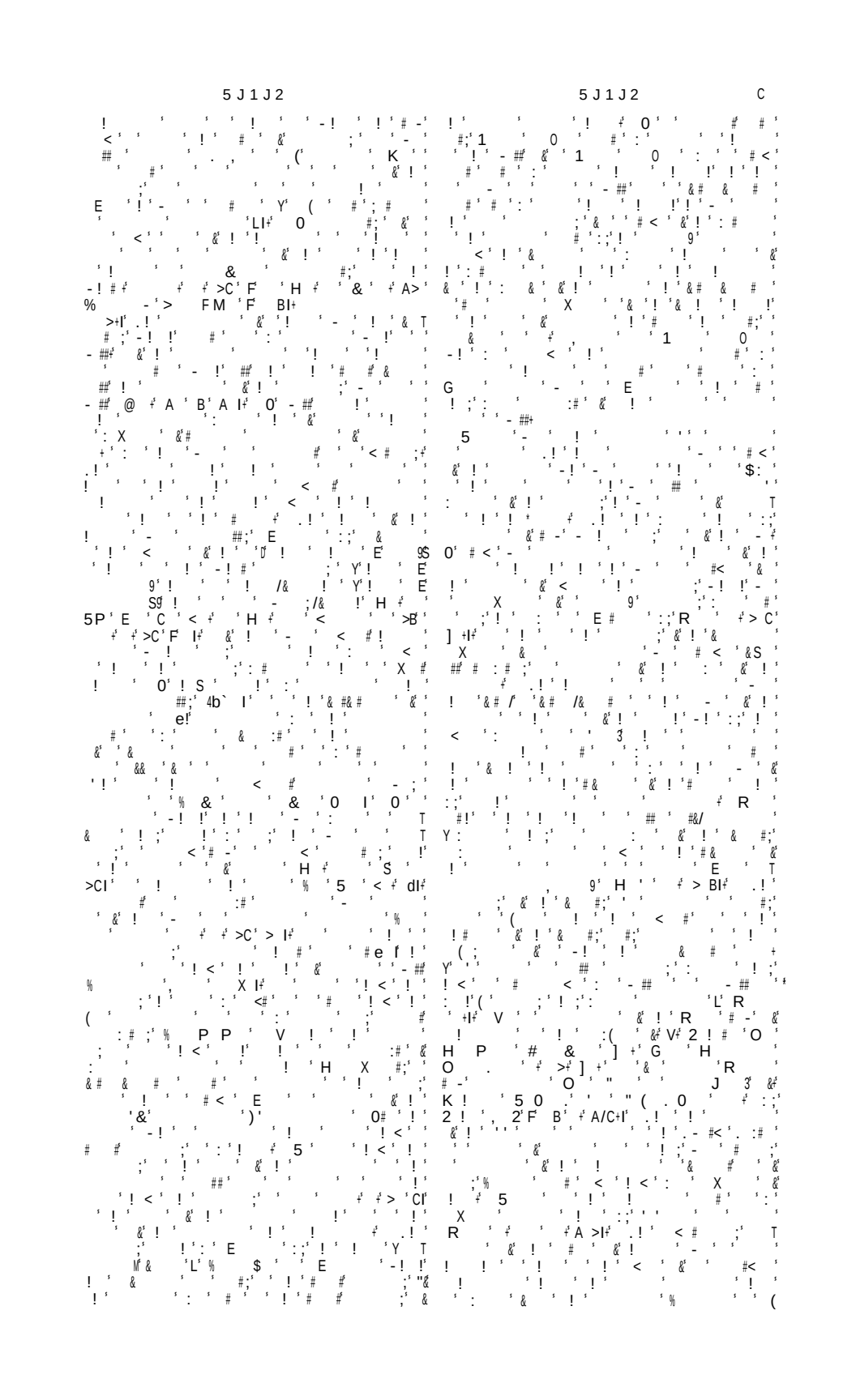


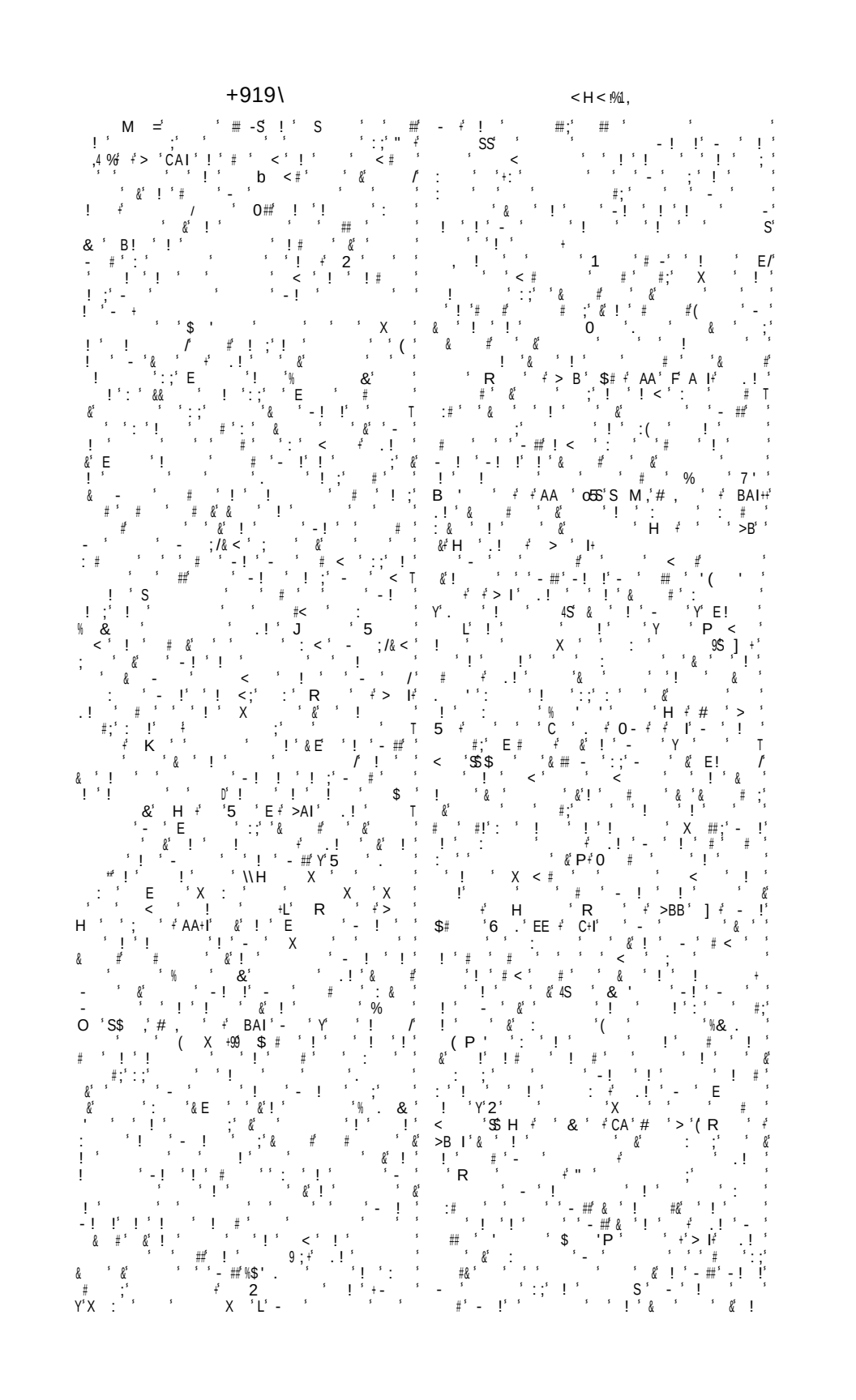


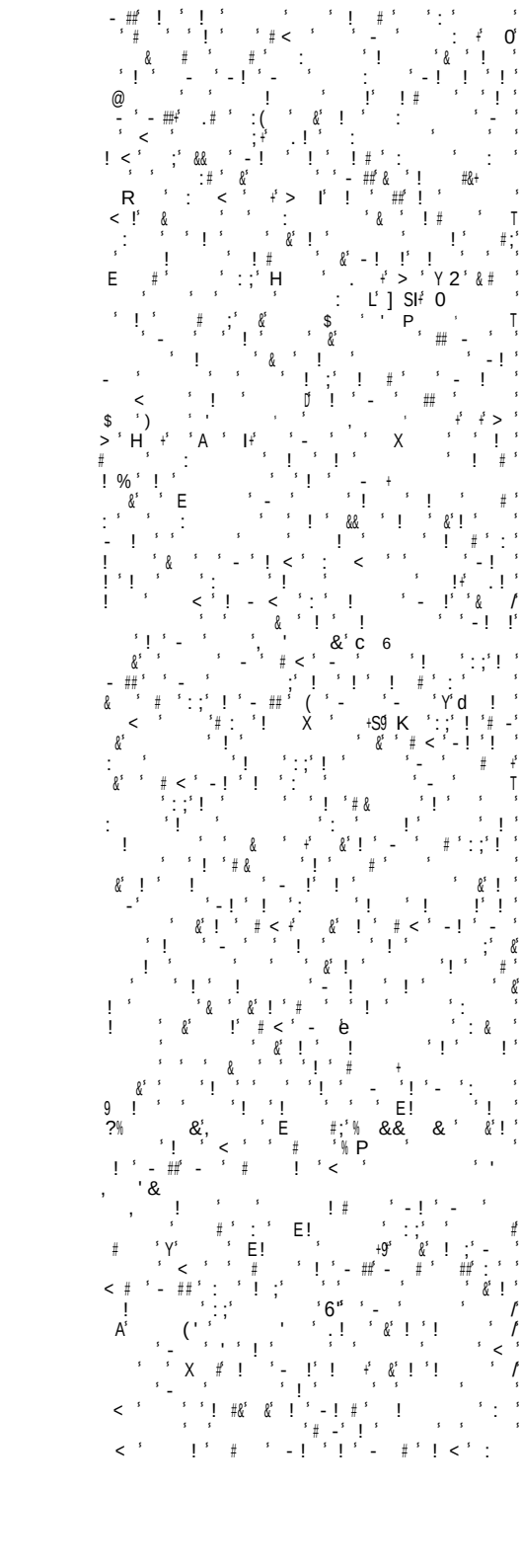


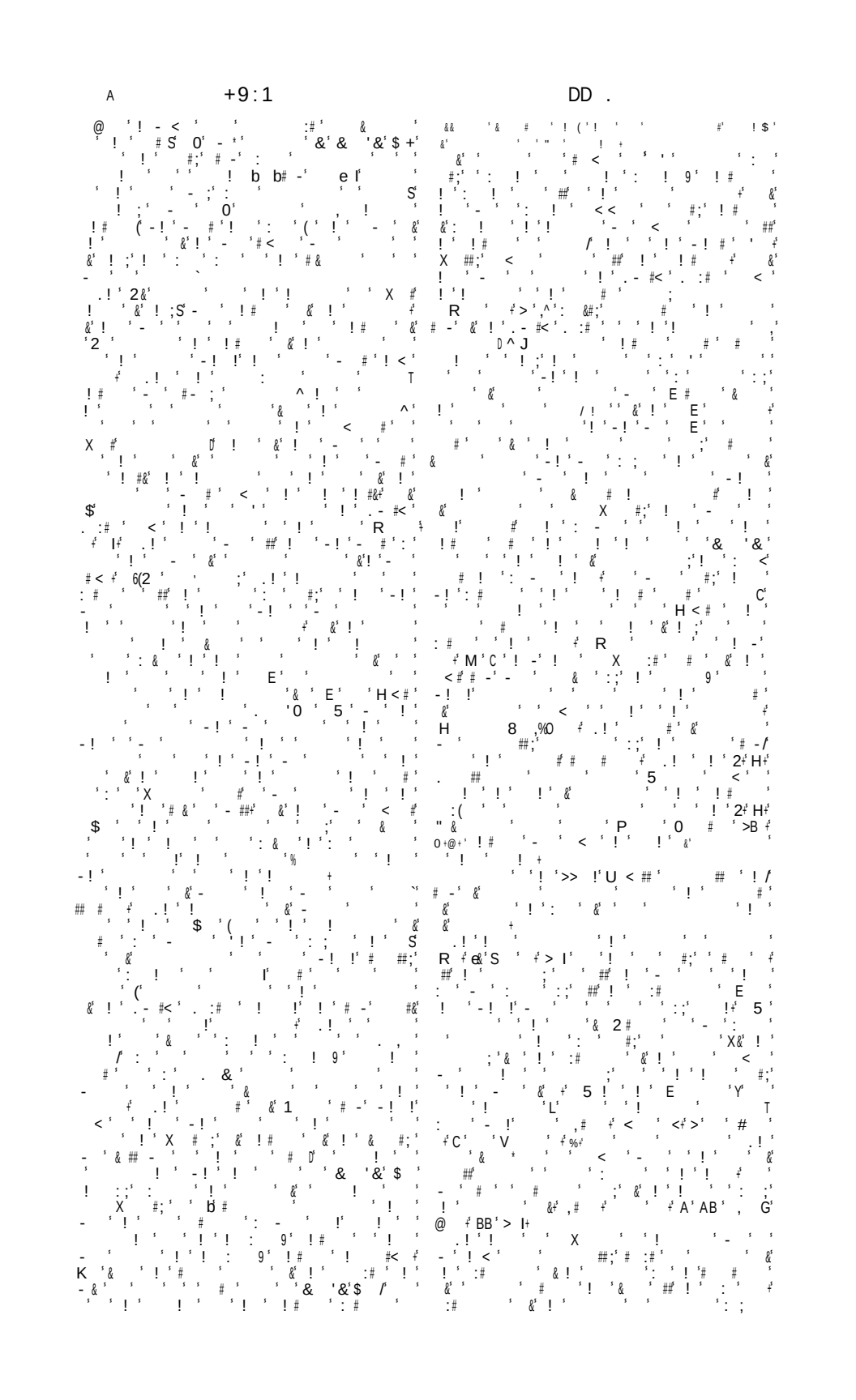


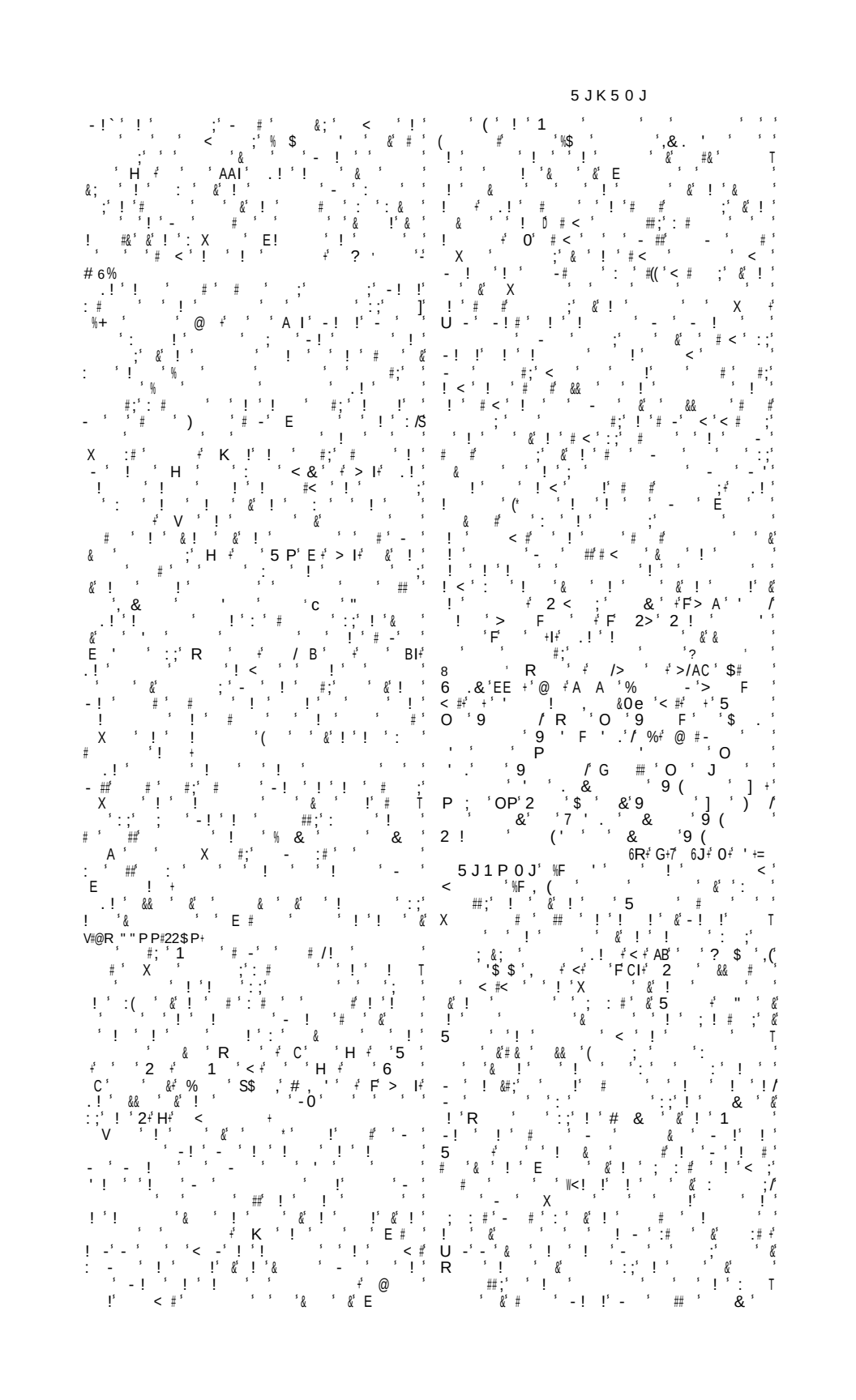












pillar, which tapered towards the base, and finally the pillar itself was sometimes chiselled to indicate the separation of the legs, as may be seen in a tetragonal female statue in the Villa Albani. (Winkelm. *Storia delle Arti*, vol. i. tav. I.) Sometimes, as above stated, the head was double, triple, and even fourfold. The whole figure was generally of stone or marble; but Cicero (*ad Att.* i. 8) mentions some which were of Pentelic marble, with bronze heads. (Müller, *Archäol. d. Kunst*, § 67.)

Many statues existed of other deities, of the same form as the Hermae, which no doubt originated in the same manner, and which were still called by the generic name of *Hermae*, even though the bust upon them was that of another deity. Several images of this kind are described by Pausanias; one of Poseidon at Tricoloni in Arcadia (viii. 35, § 6), another of Zeus Teleios at Tegea (*ib.* 48, § 4), and another of Aphrodite Urania at Athens (i. 19, § 2). The reason why the statues of the other deities were developed into perfect forms, while those of Hermes so generally (by no means universally) retained their ancient fashion, is obviously on account of the religious significance attached to the symbol of the pillar, as a boundary mark. Where this motive was not called into action, Hermes himself was represented in the complete human form with all the perfection of Greek art, as, for example, in his statues in the *palaestrae*, and in those which embodied others of his attributes. (See Müller, *Archäol. d. Kunst*, §§ 380, 381.)

Some statues of this kind are described by a name compounded of that of Hermes and another divinity: thus we have *Hermanubis* (*Anth. Pal.* xi. 360), *Hermares*, *Hermathena* (Cic. *ad Att.* i. 1 and 4), *Hermeracles* (Cic. *ad Att.* i. 10), *Hermeros* (Plin. *H. N.* xxxvi. § 33), *Hermopan* (Bekk. *Anecd.* 1198). It has been disputed whether such figures were composed of the square pillar, as the emblem of Hermes, surmounted by the bust of the other divinity; or, secondly, whether the heads of Hermes and the other god were united, as in the bust of Janus; or, lastly, whether the symbolical characteristics of the two deities were combined in the same statue. The best recent criticism is in favour of the first of the above explanations: "as commonly assumed, they were statues of those deities in the Hermes form, not Janus-like compounds of the two deities named" (Baumeister, i. 604*a*; cf. Müller, *Archäol. d. Kunst*, § 345). Exceptions, however, seem to have existed: a Janus-head of Hermes and Athena in Müller's *Denkmäler*, pl. xlii. No. 526. Some, again, such as the Hermerotes of Tauriscus, mentioned by Pliny among other masterpieces of sculpture, were probably not of a terminal character at all, any more than the Hermaphroditi, of which specimens are extant [HERMAPHRODITUS]. It is not unlikely that they may have been simply hermaphrodite Erotes, like those depicted on some south-Italian vases. It is difficult to believe that the sculptor of the Dirce-group (*Toro Farnese*) would have condescended to the embellishment of terminal figures.

There is still another class of these works in which the bust represented no deity at all, but was simply the portrait of a man, and in which the pillar loses all its symbolical meaning, and becomes a mere pedestal. Even these statues, however, retained the names of *Hermae* and *Termini*. The examples of them are very numerous. A list of these and of the other Hermae is given by C. W. Müller. (Ersch and Gruber's *Encyklopädie*, art. *Hermen*.)

The Hermae of all kinds were in great request among the wealthy Romans, for the decoration of their houses and villas (Cic. *ad Att.* ll. cc.). It is also stated that they used them as posts for ornamental railings to a garden, in which case they were commonly decorated with the busts of philosophers and eminent men, some of which may be seen at the Vatican and other museums, with the square holes in their shoulders into which the transverse rail was inserted. This square hole, however, is also seen in Hermae of old Greek workmanship, in which cases they were probably the sockets of the projections, above mentioned, for hanging garlands on.

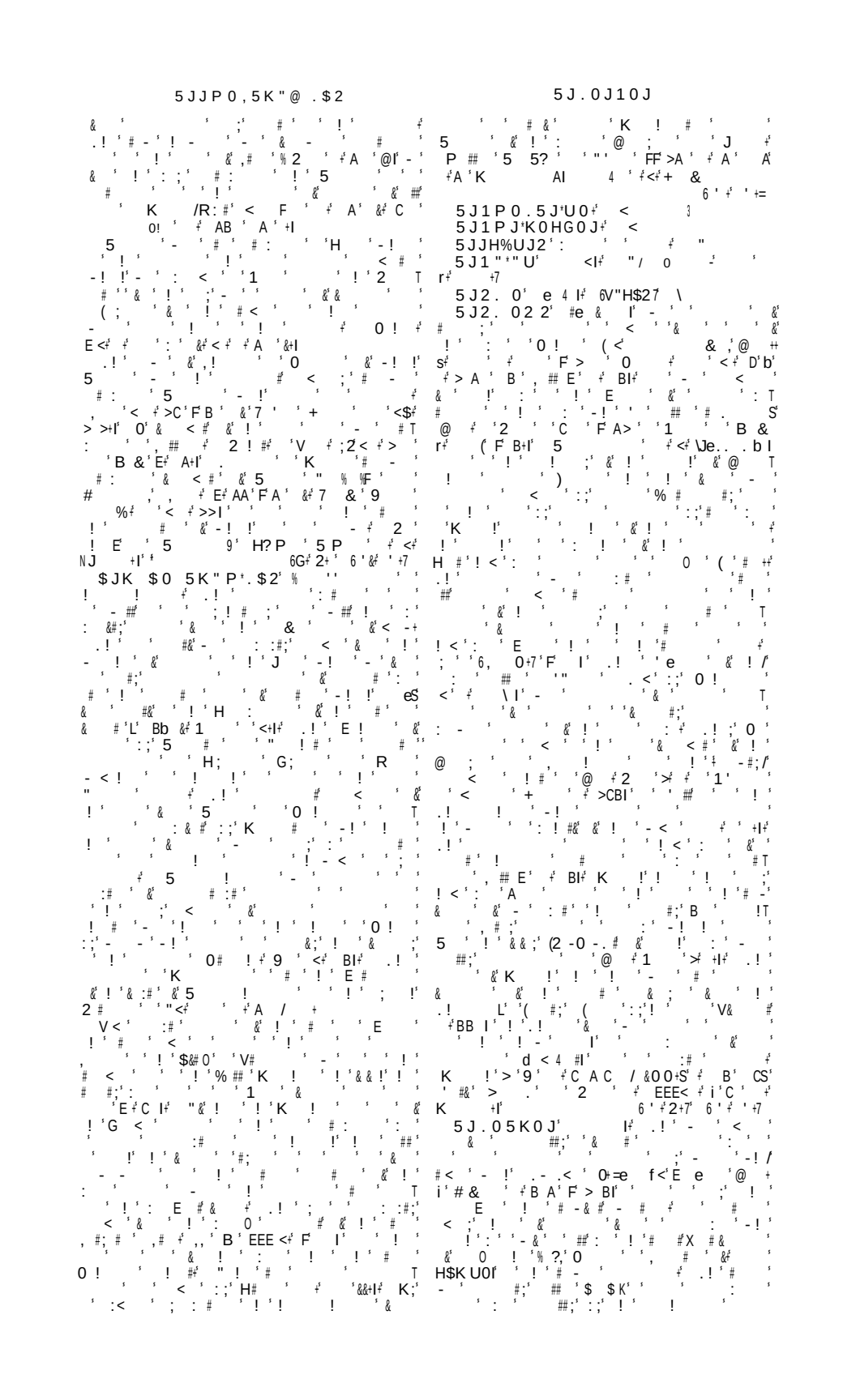
The existing remains of ancient art are rich in terminal statues of all the classes which have been described; and specimens of nearly all may be seen in the British Museum, and in engravings in Müller's *Denkmäler der alten Kunst* (vol. i. pl. i. Nos. 3, 4, 5;—vol. ii. pl. xxxi. No. 341; pl. xxxiii. Nos. 376, 386, 387; pl. xxxvi. Nos. 428, 429; pl. xlii. No. 526). The first two examples in Müller are very interesting: the one is a bas-relief, exhibiting a Hermes decorated with garlands and surrounded with the implements of his worship, as shown in the following engraving; the other is also a

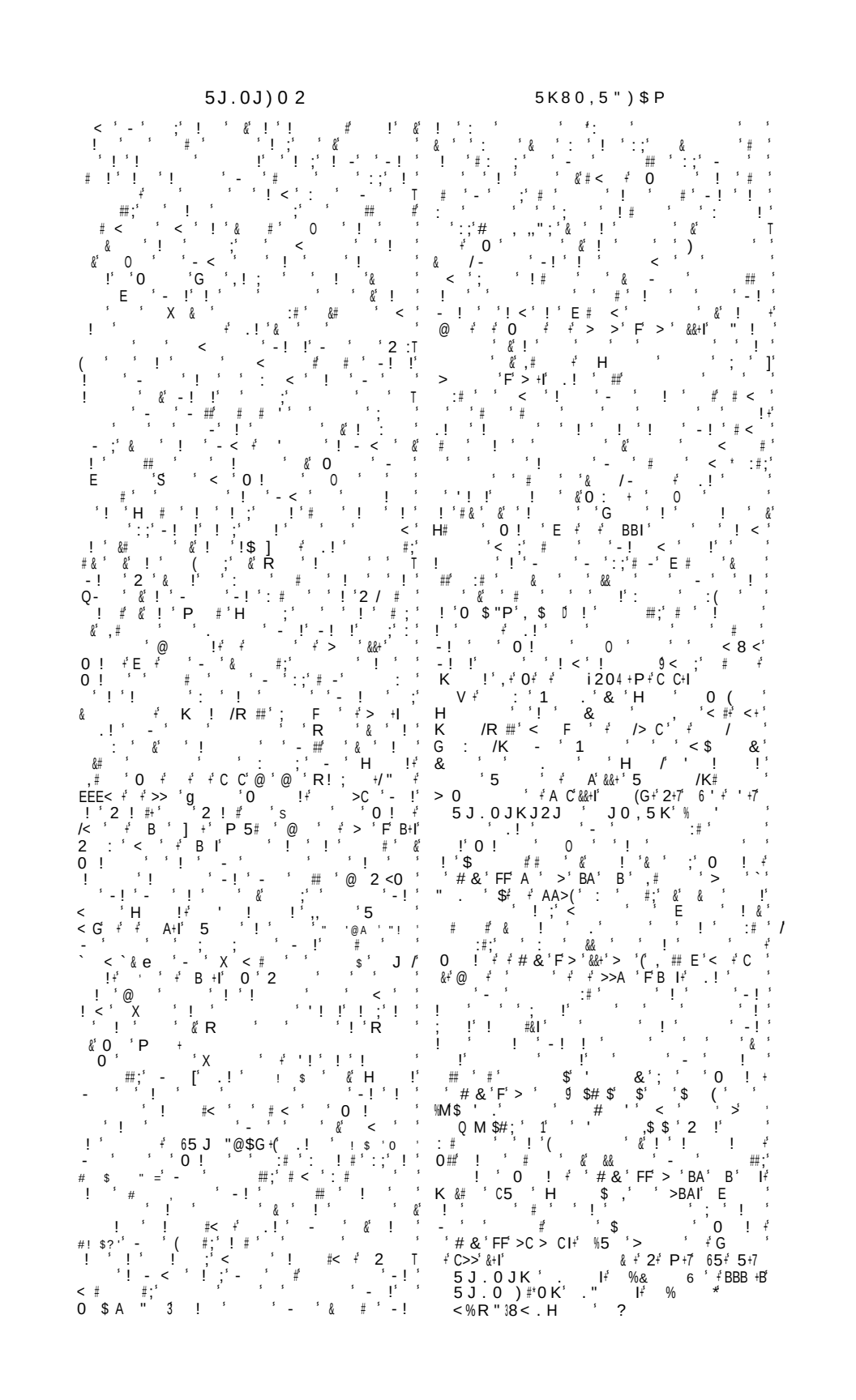
Hermes. (From a bas-relief.)

bas-relief in which we see a terminal bust of Dionysus washed and decorated by a man and three women. Hermae of the bearded Dionysus occur frequently among existing remains (Gurlitt, *Archäol. Schr.* p. 194 ff.) Respecting the Hermae on coins, see Rasche, *Lex. Univ. Rei Num.* s. vv. *Herma*, *Hermathene*, *Hermes*. (C. O. Müller, *Archäol. der Kunst*; Müller and Osterley, *Denkmäler der alten Kunst*; Baumeister, *Denkmäler*, s. vv. *Götterbilder*, *Hermes*.)

[P. S.] [W. W.]

HERMAEA (Ἑρμαια), festivals of Hermes, celebrated in various parts of Greece. As Hermes was the tutelary deity of the gymnasia and palaestrae, the boys at Athens celebrated the Hermaea in the gymnasia. They were on this occasion dressed in their best, offered sacrifices to the god, and amused themselves with various games and sports, which were probably of a more free and unrestrained character than usual. Hence the gymnasiarch was prohibited by a law of Solon (Aeschin. *c. Timarch.* § 12)





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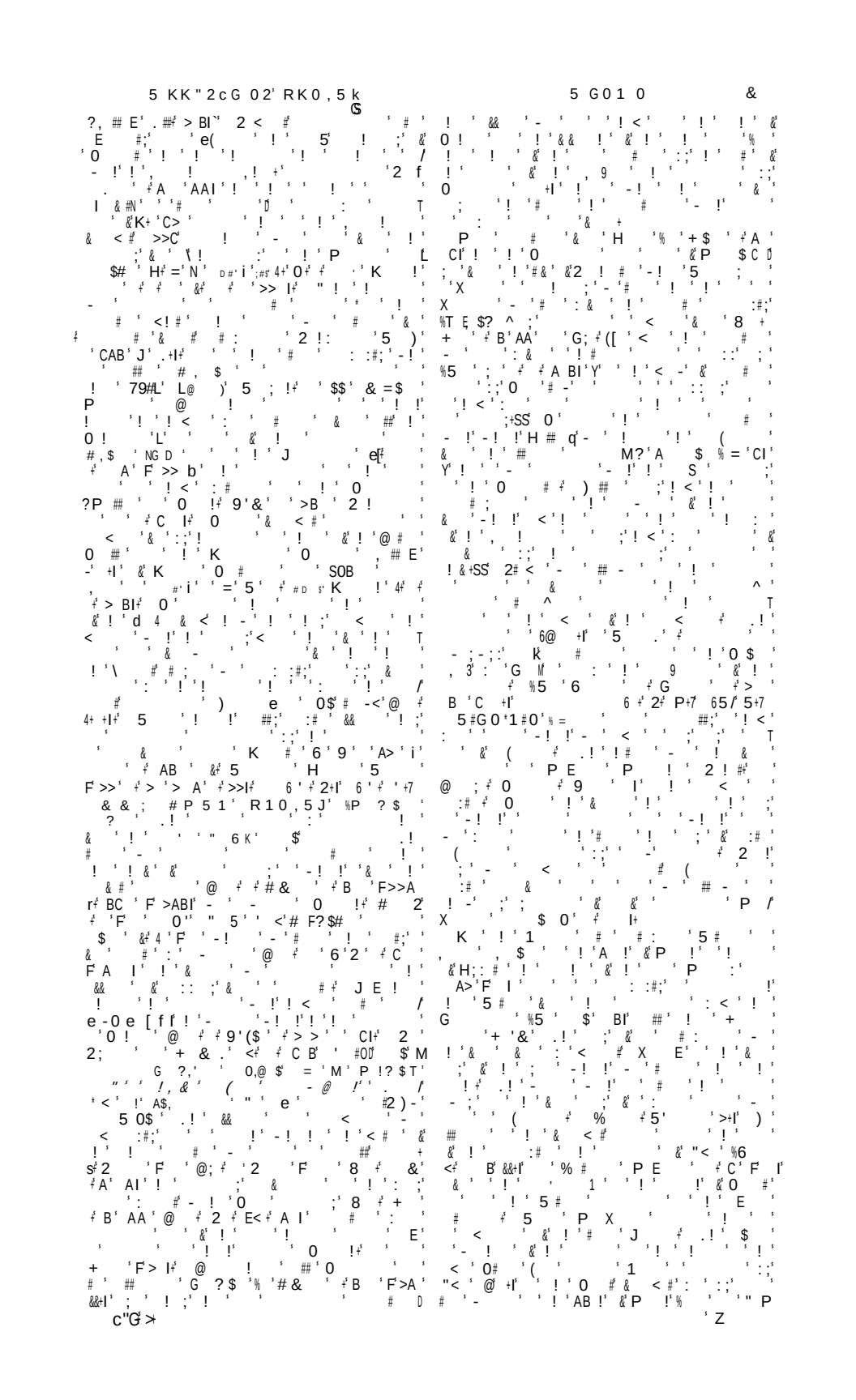

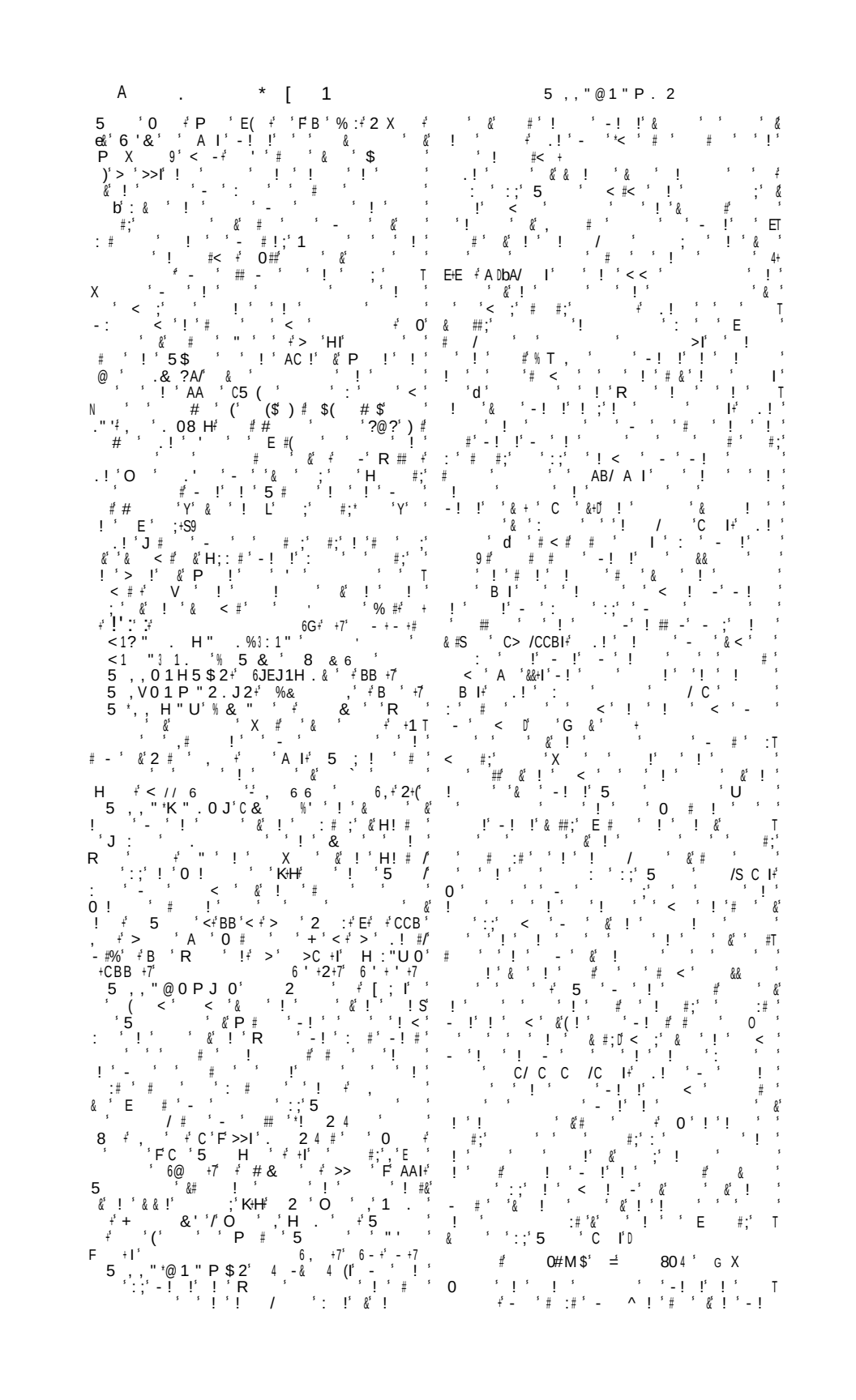

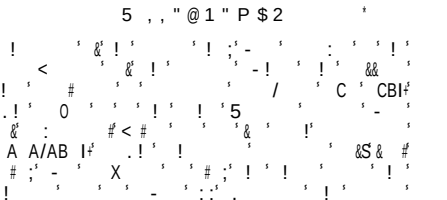

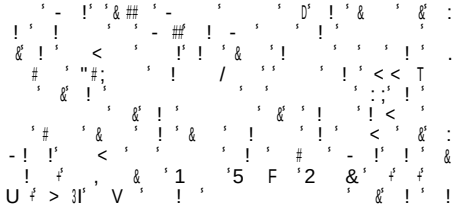

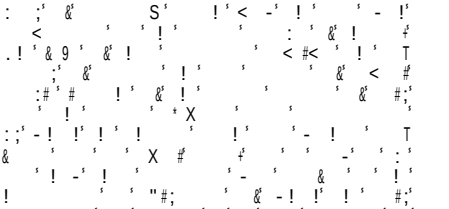

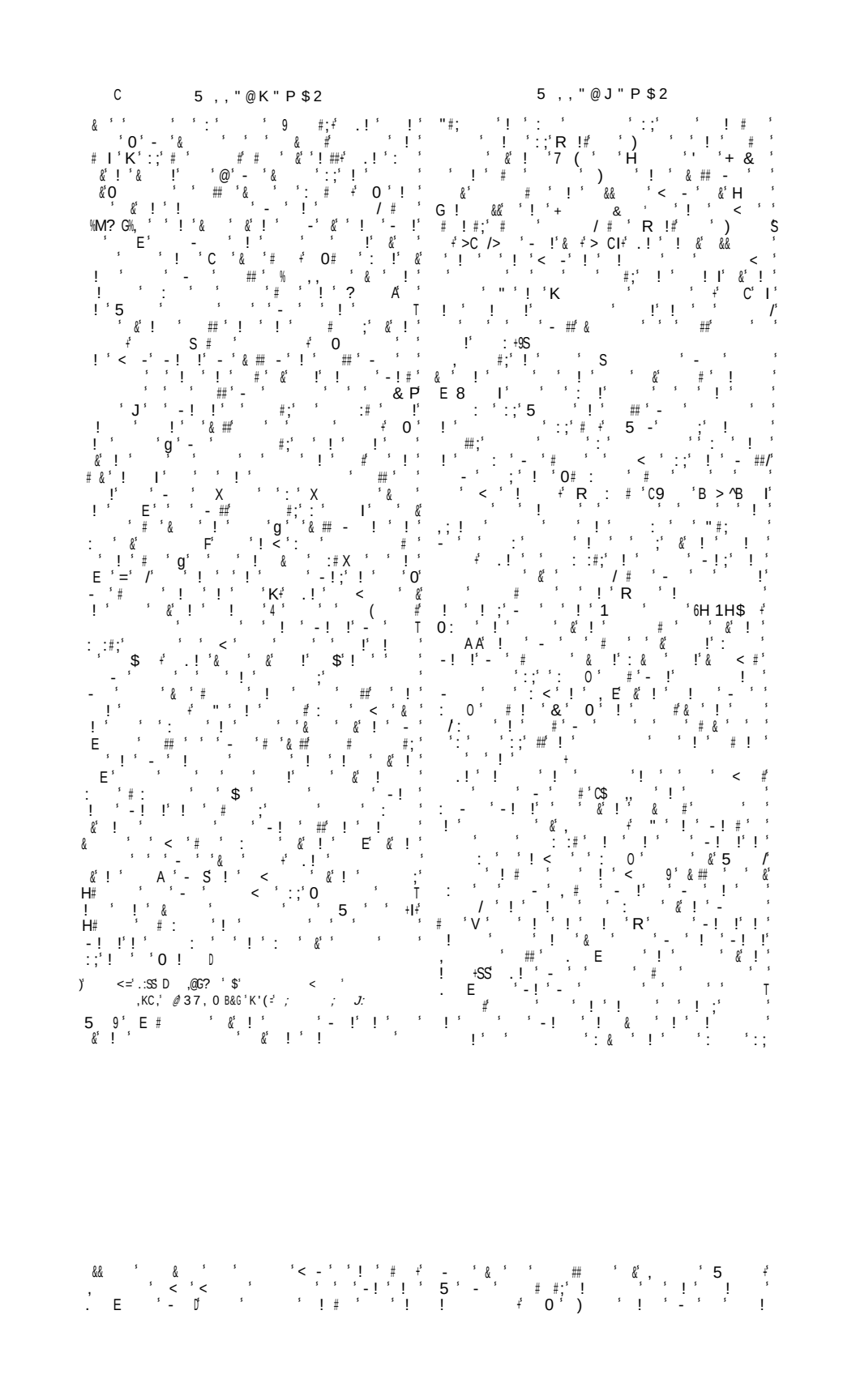

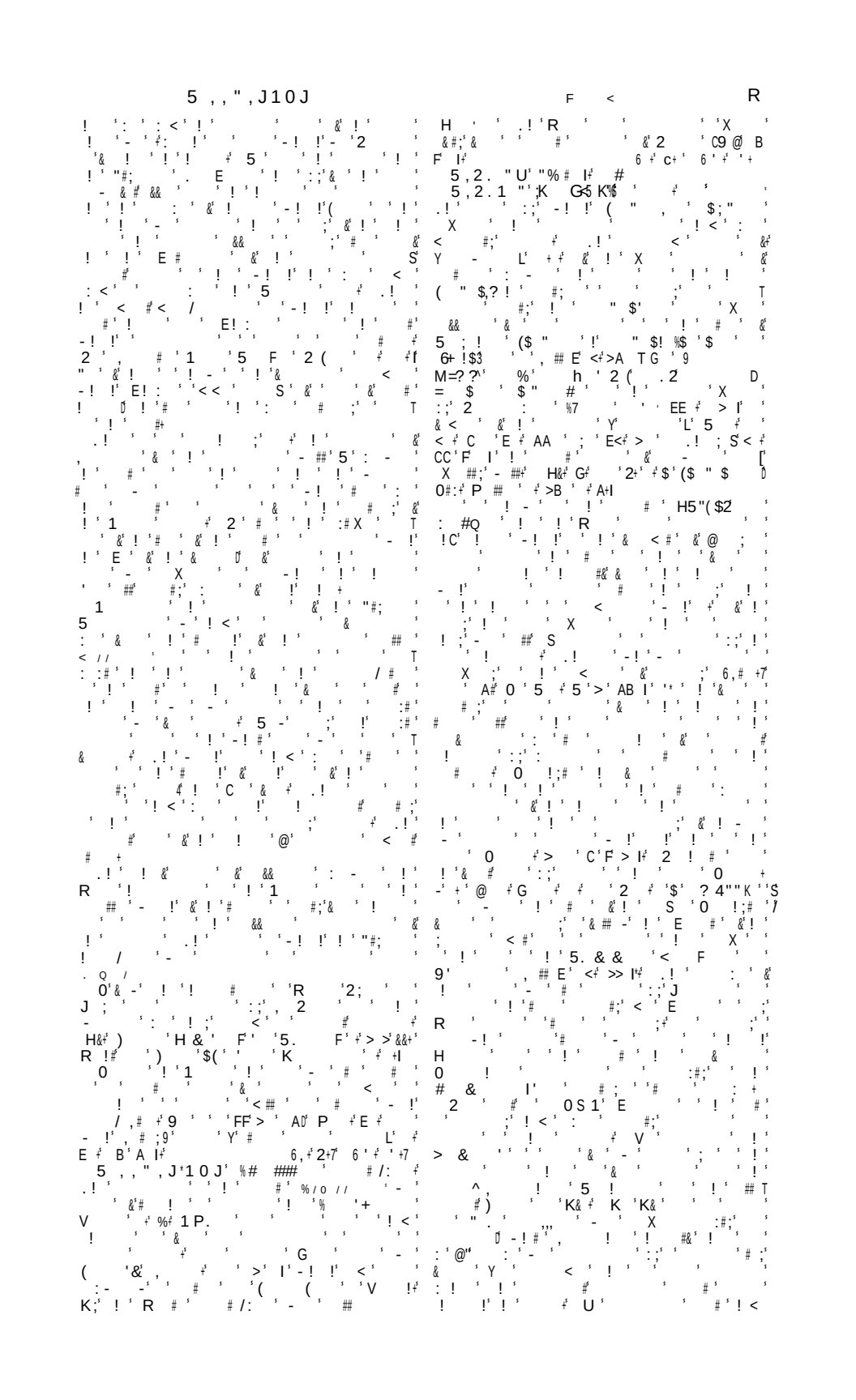

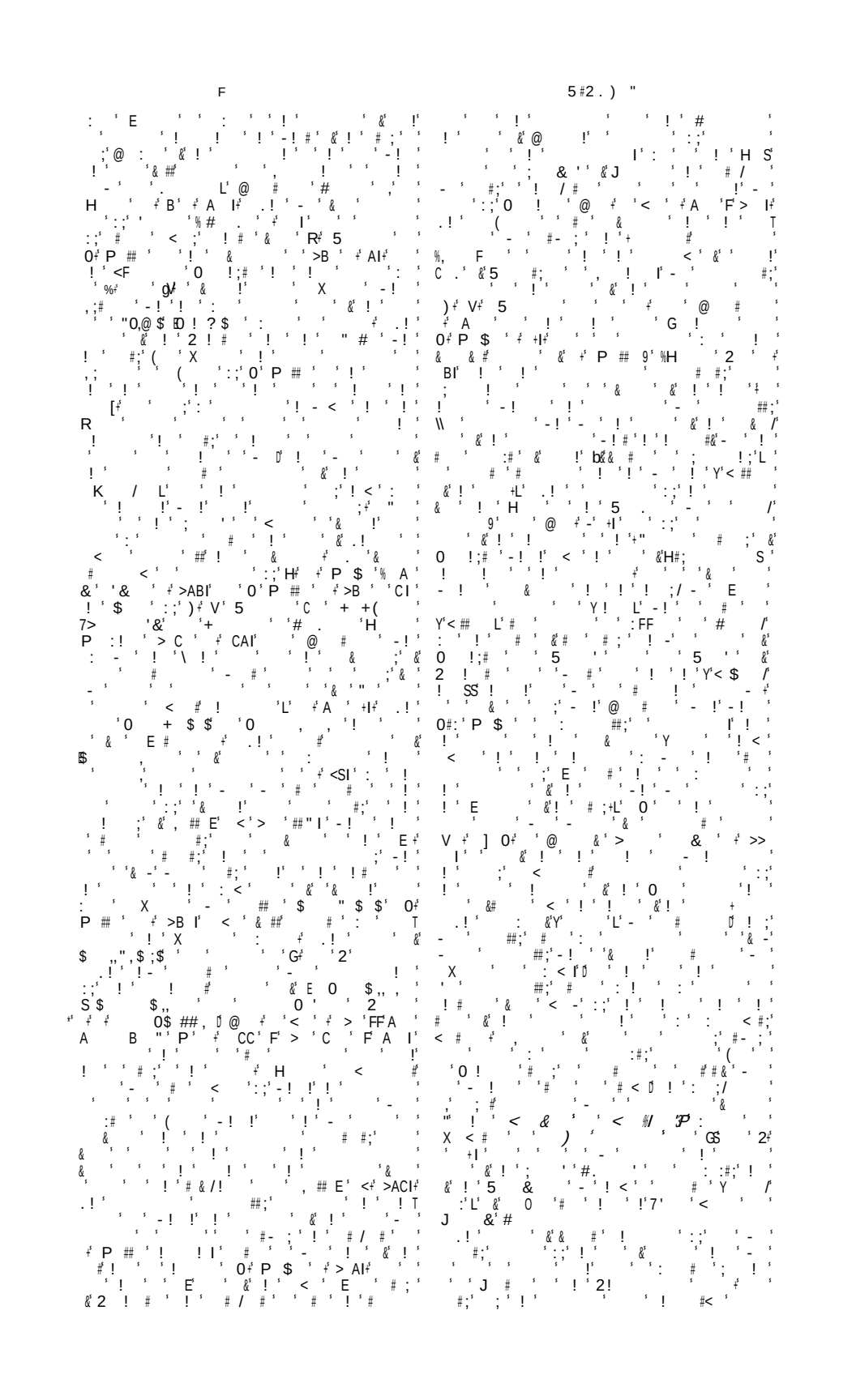

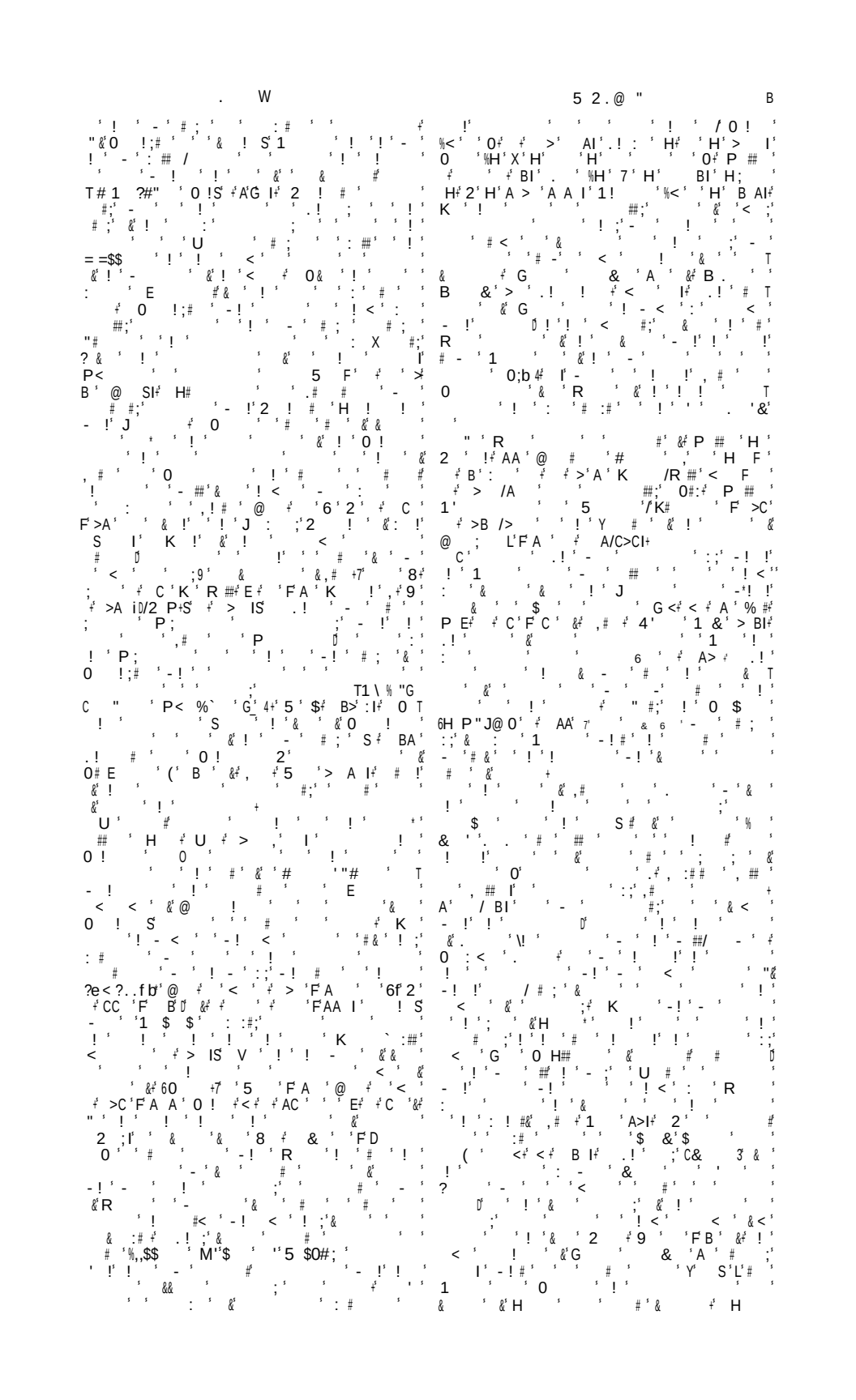

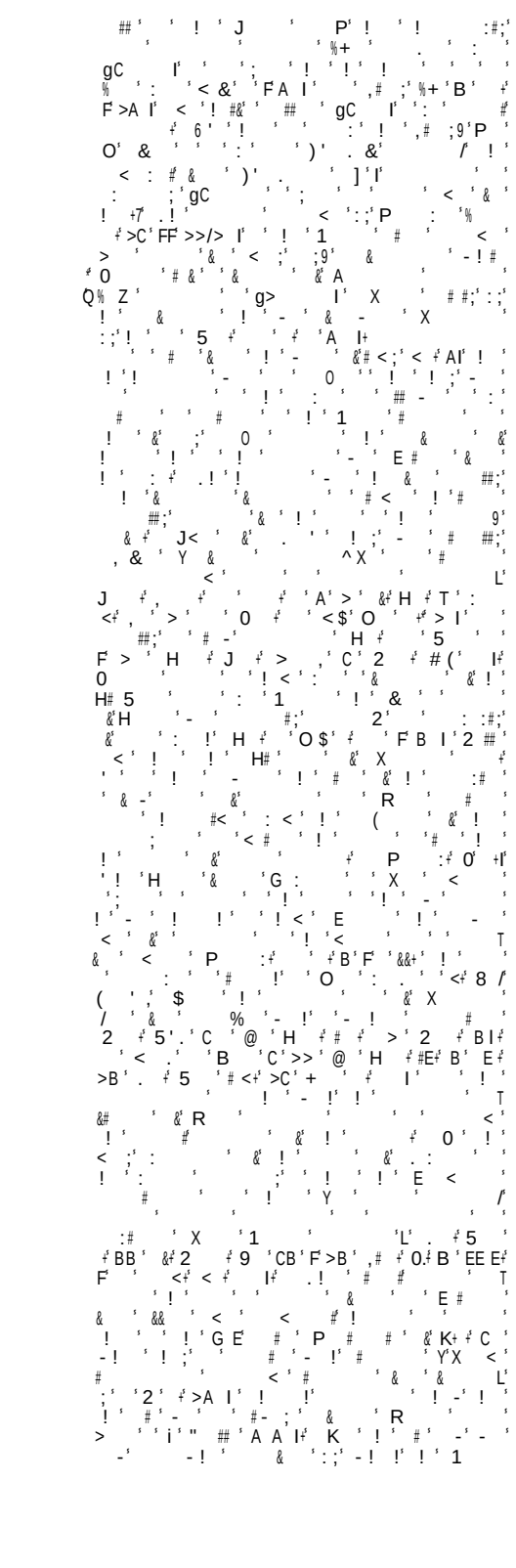

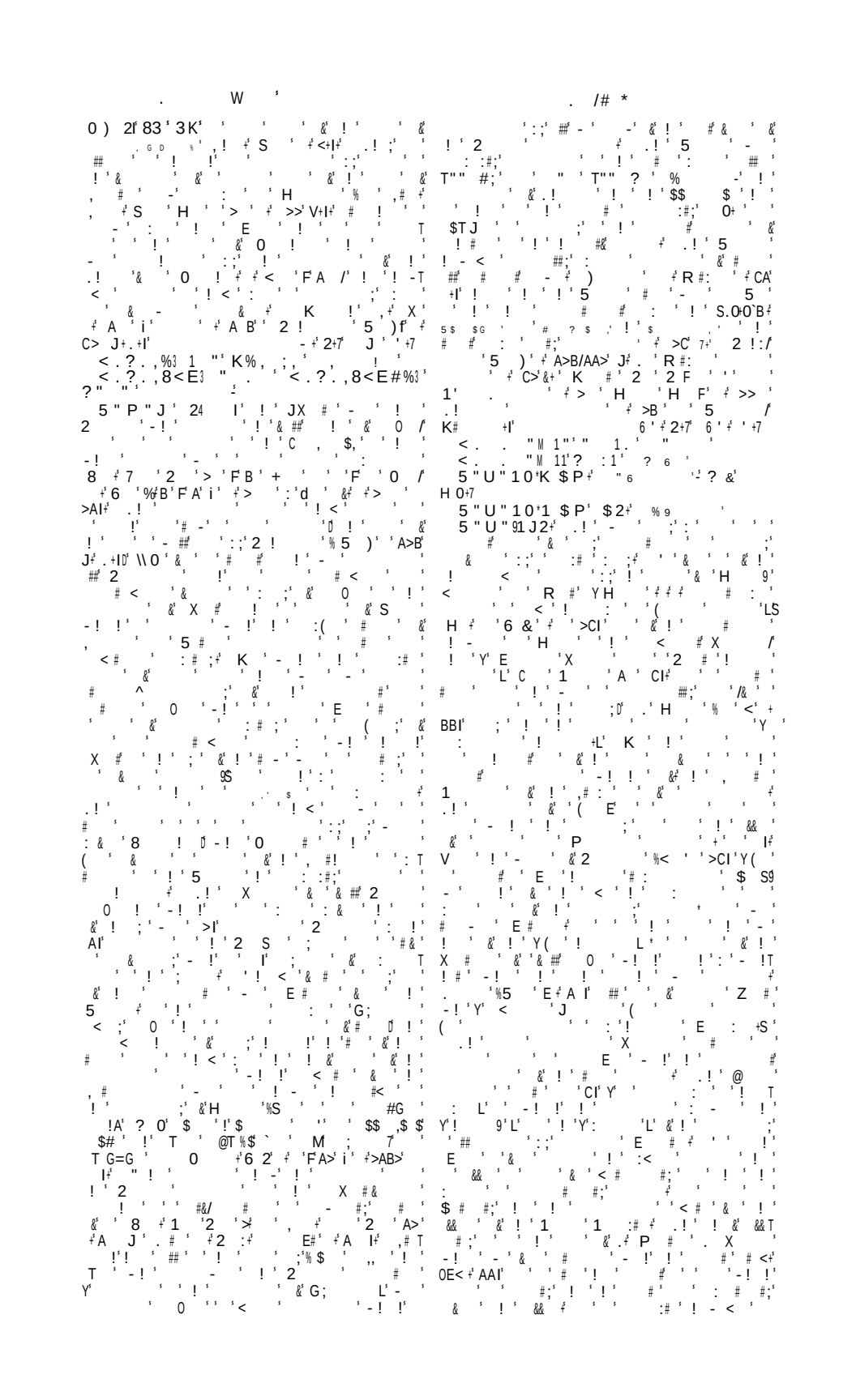

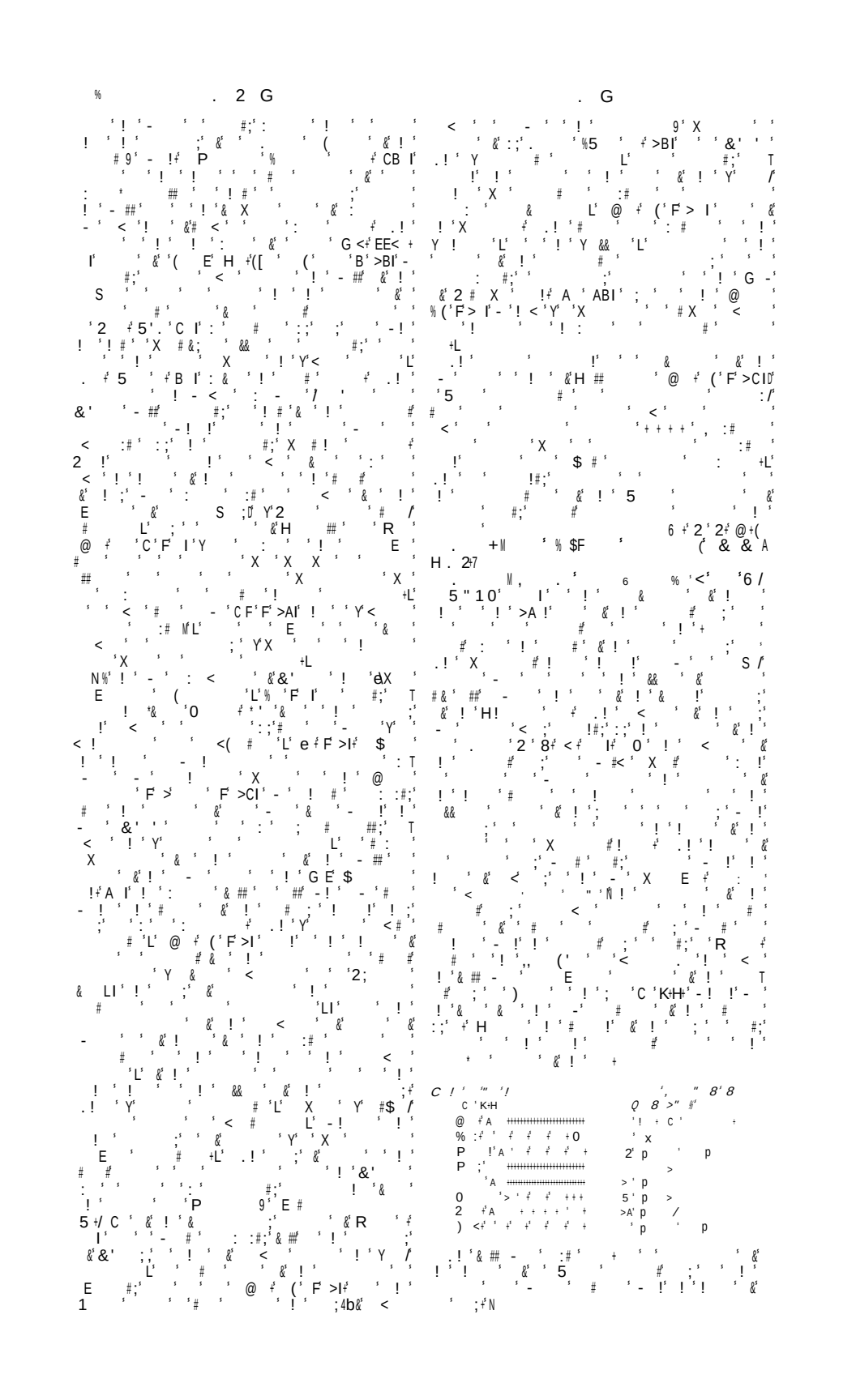

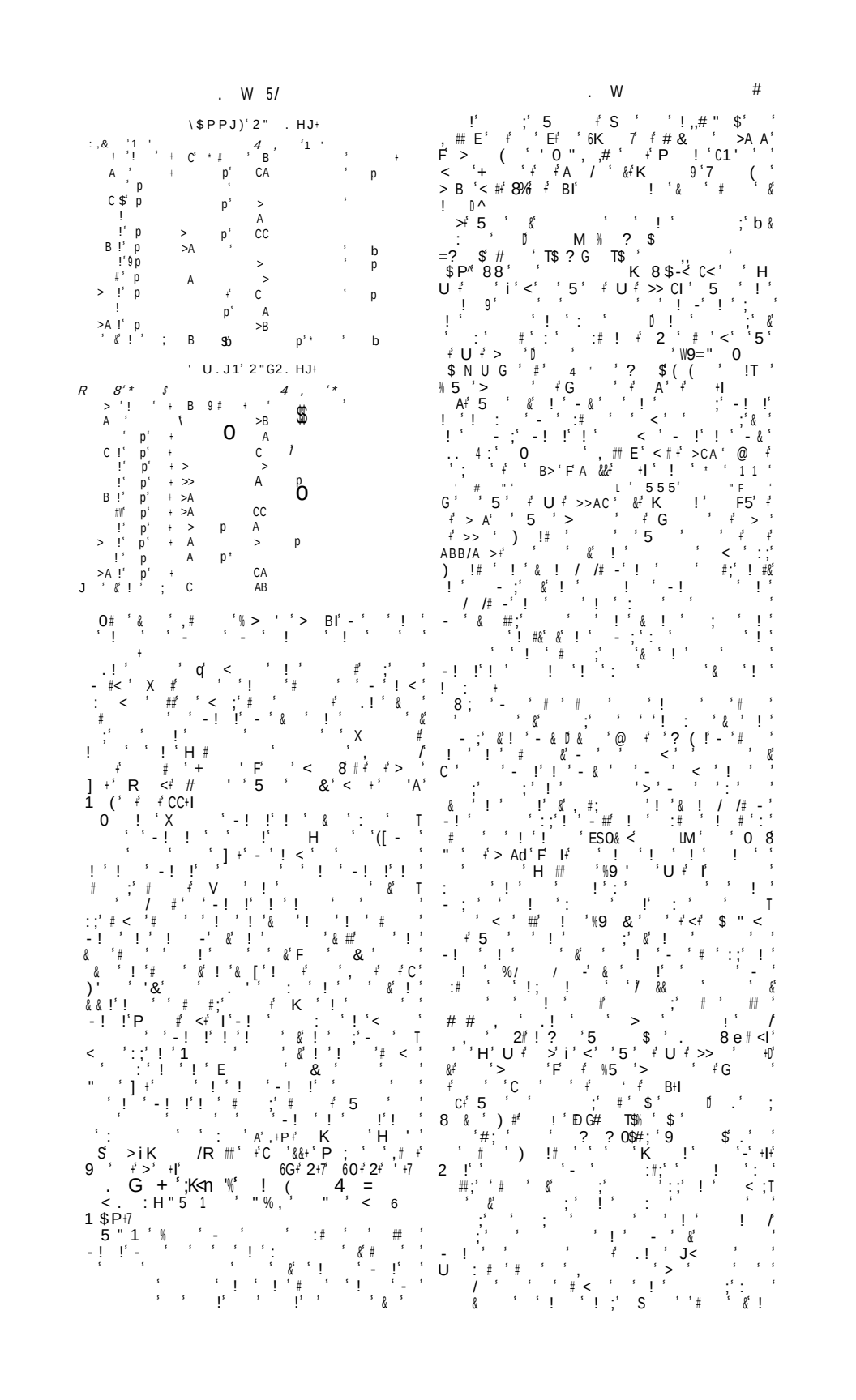

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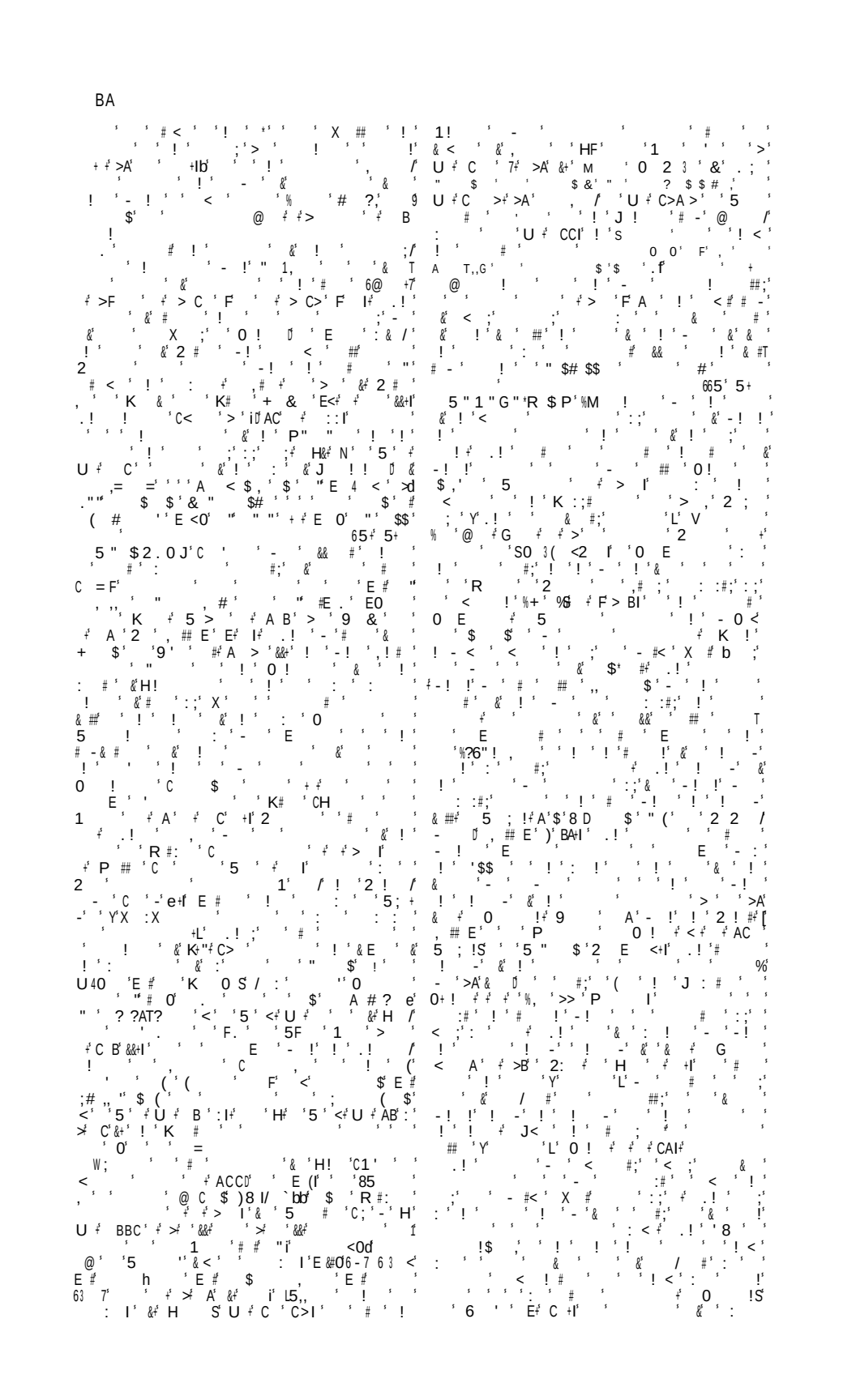

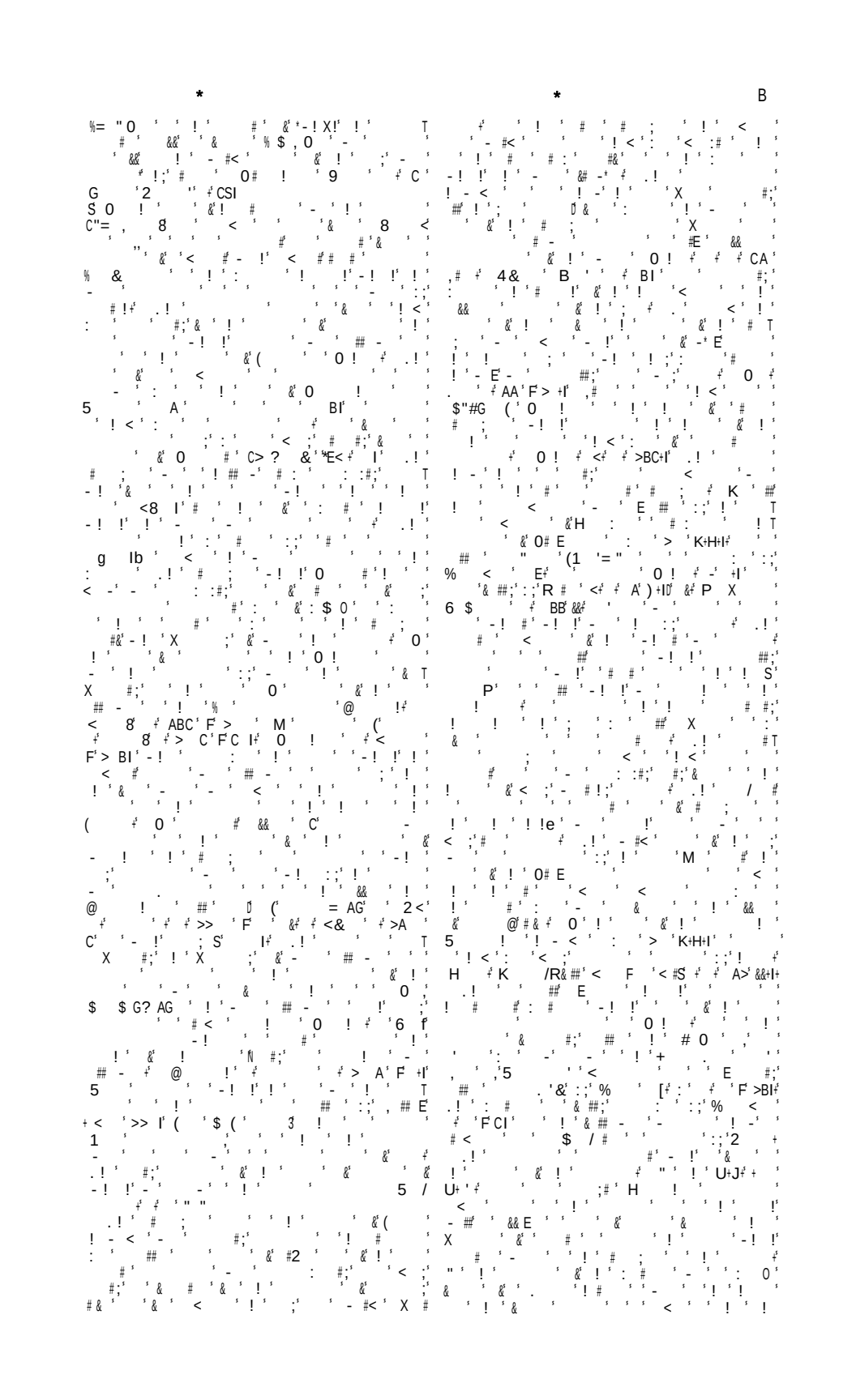

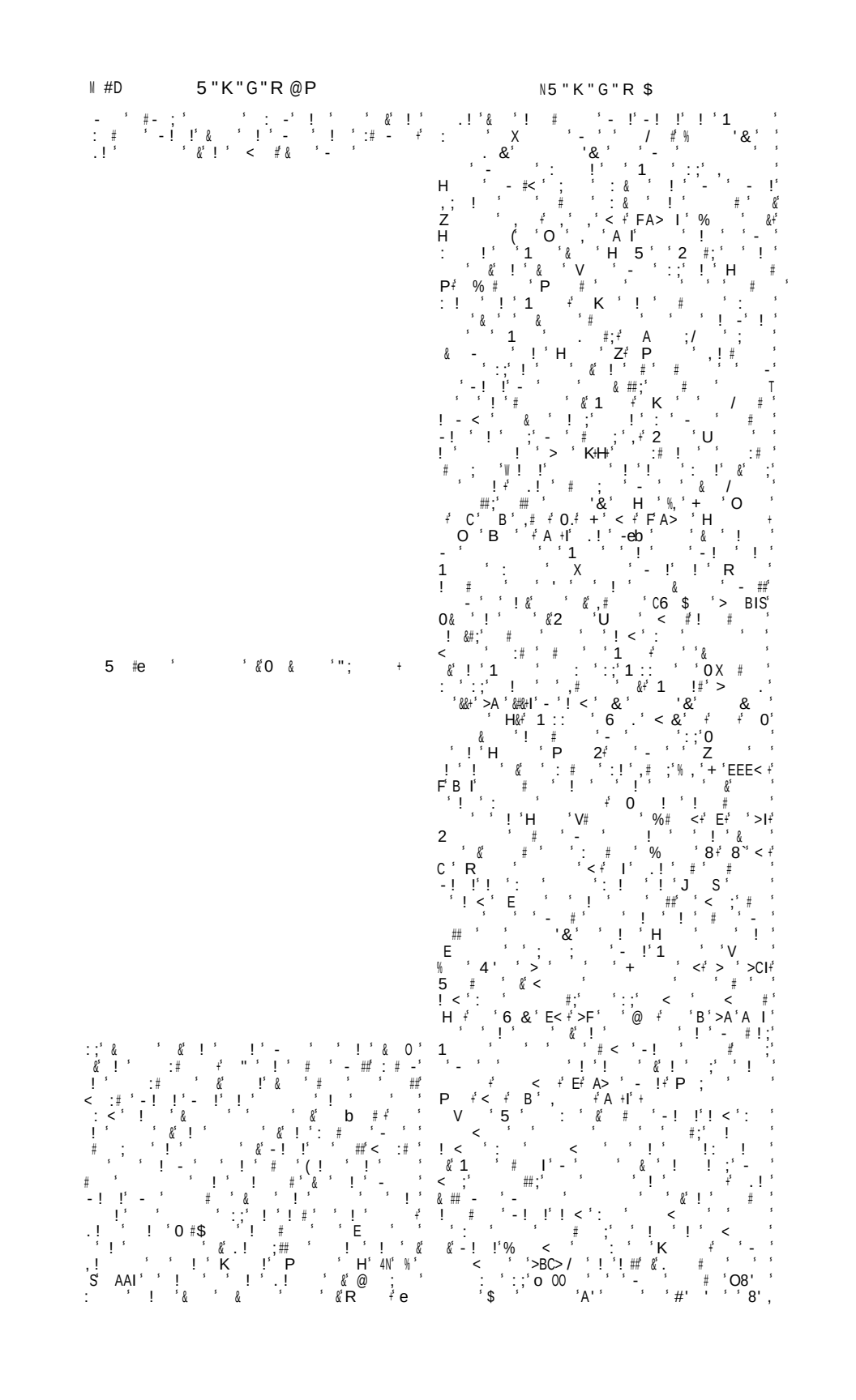

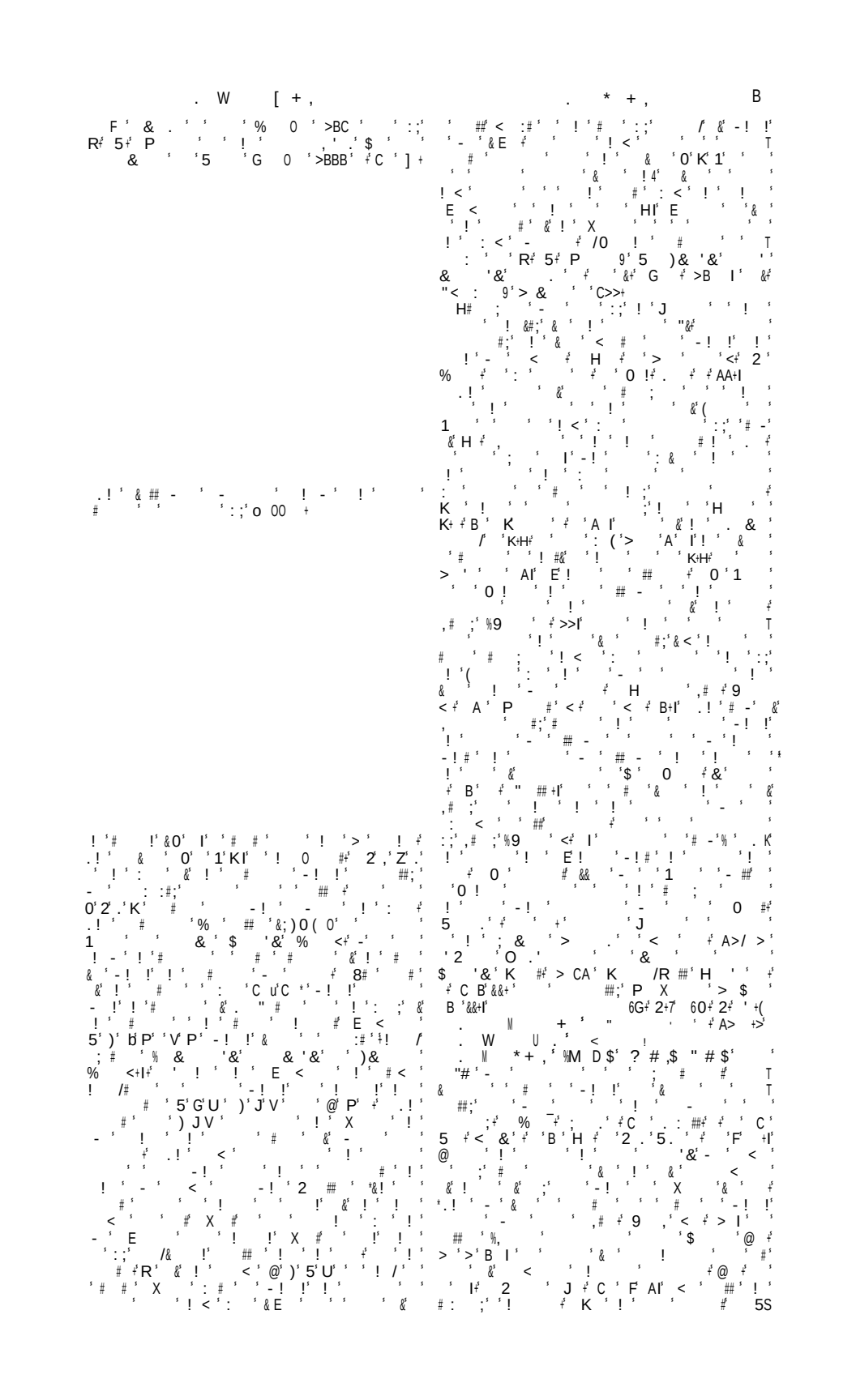

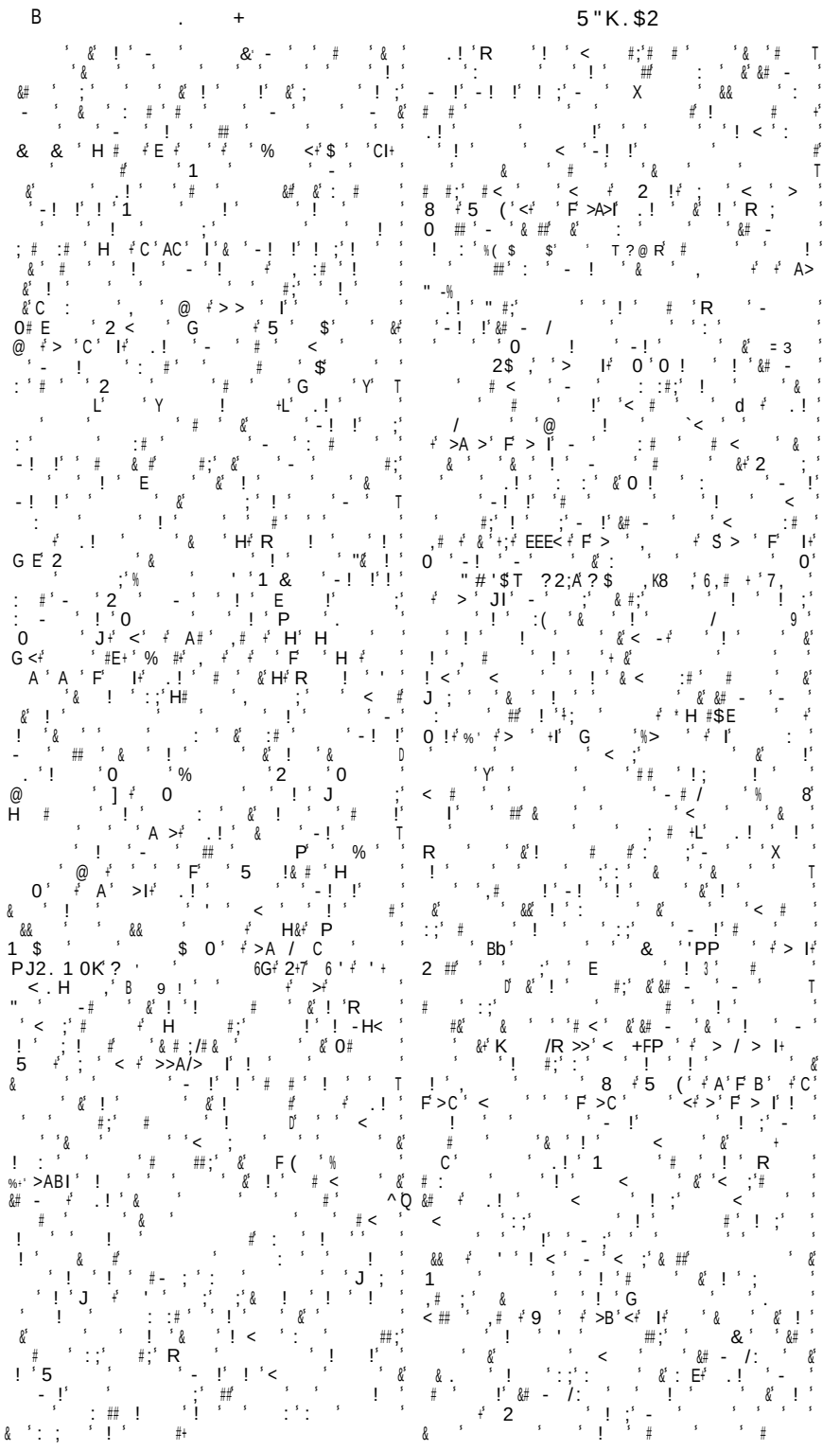

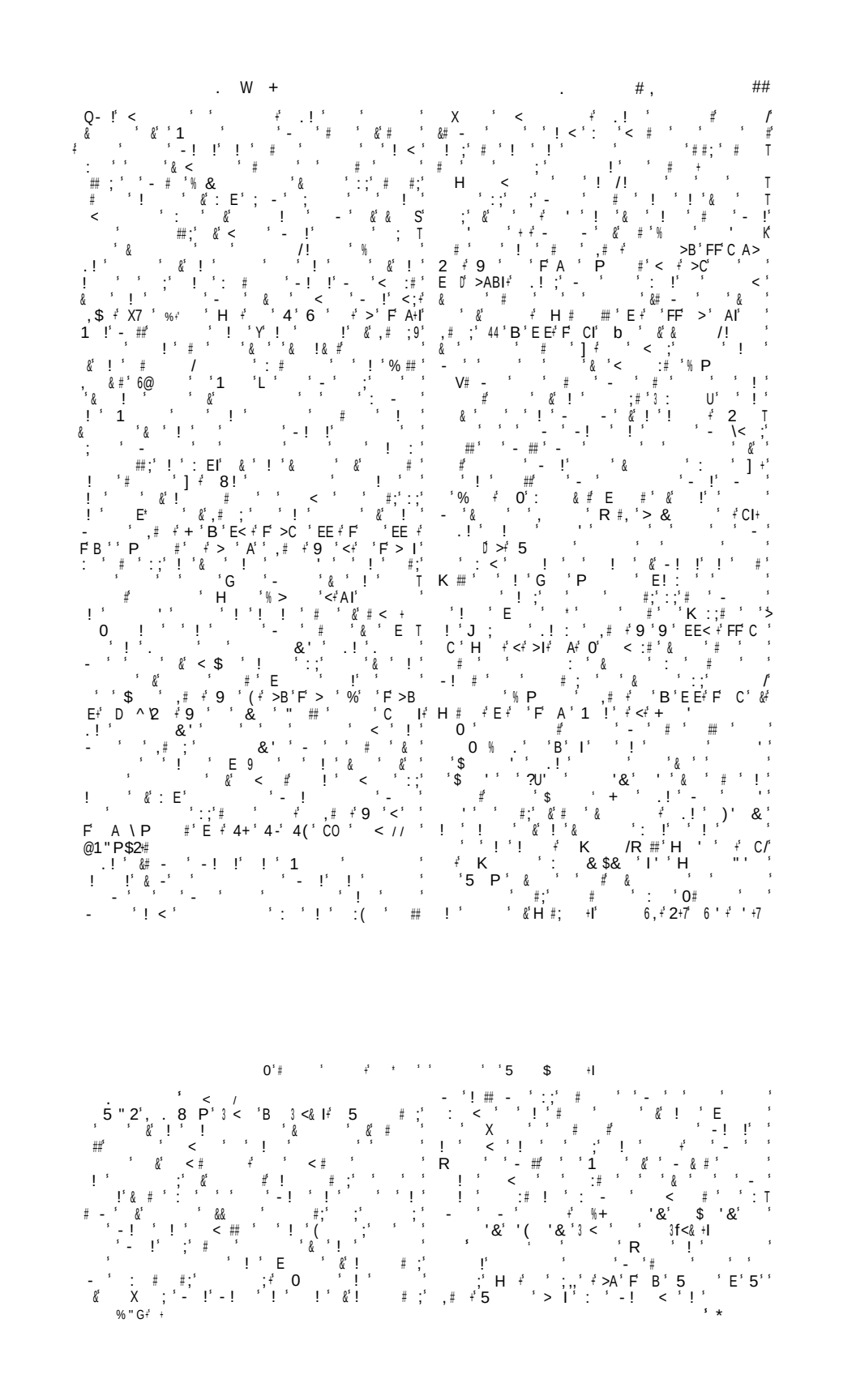

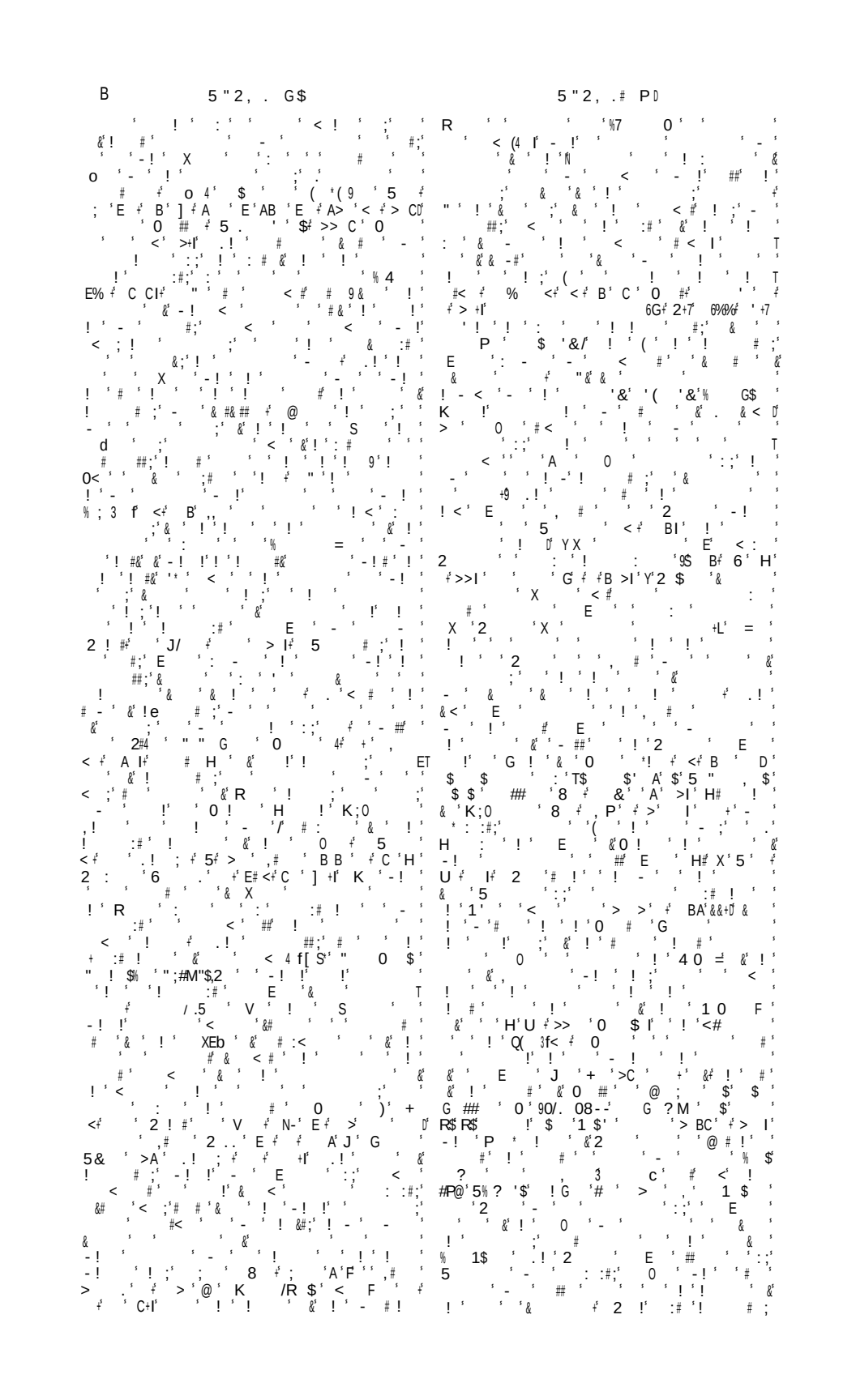

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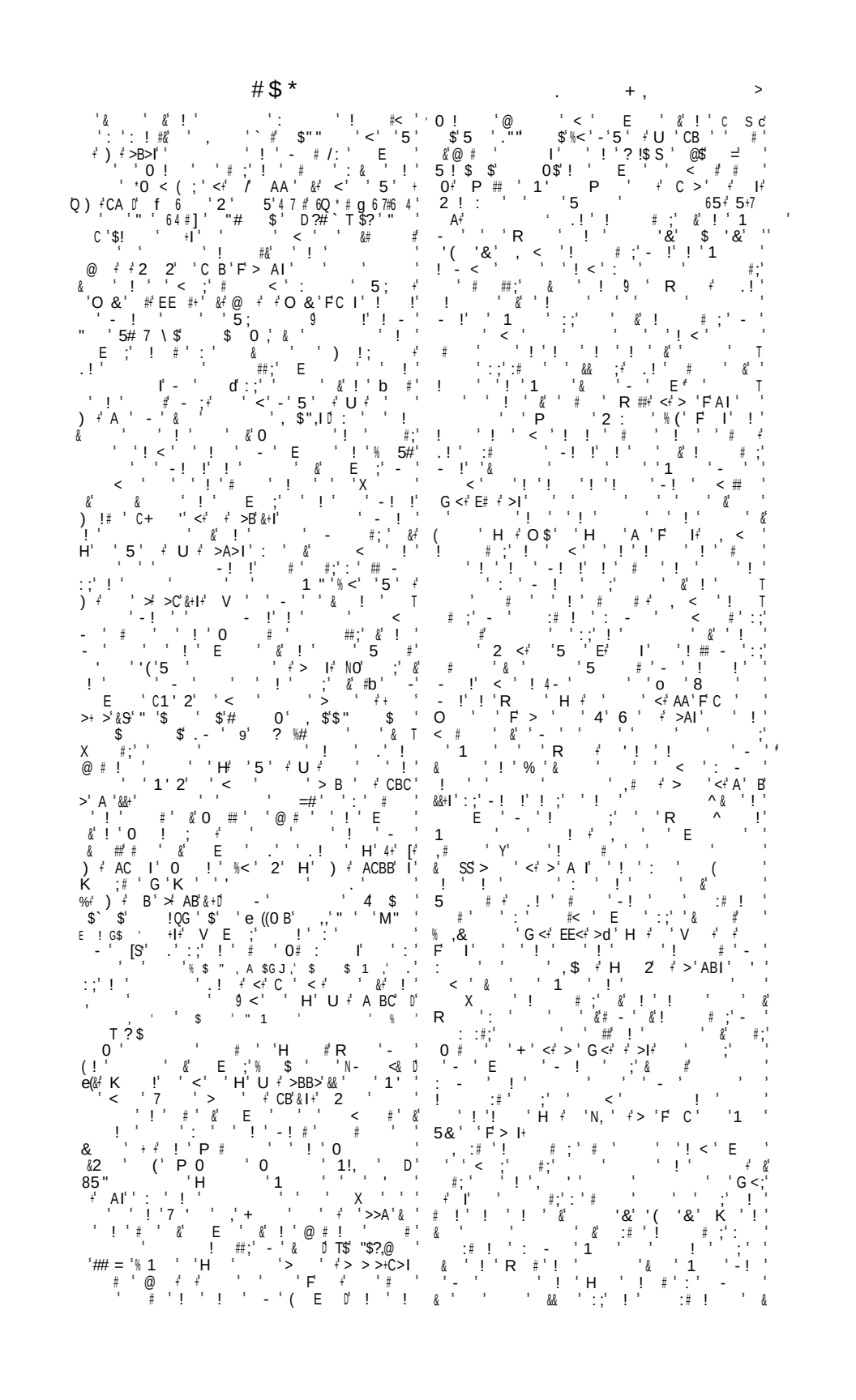

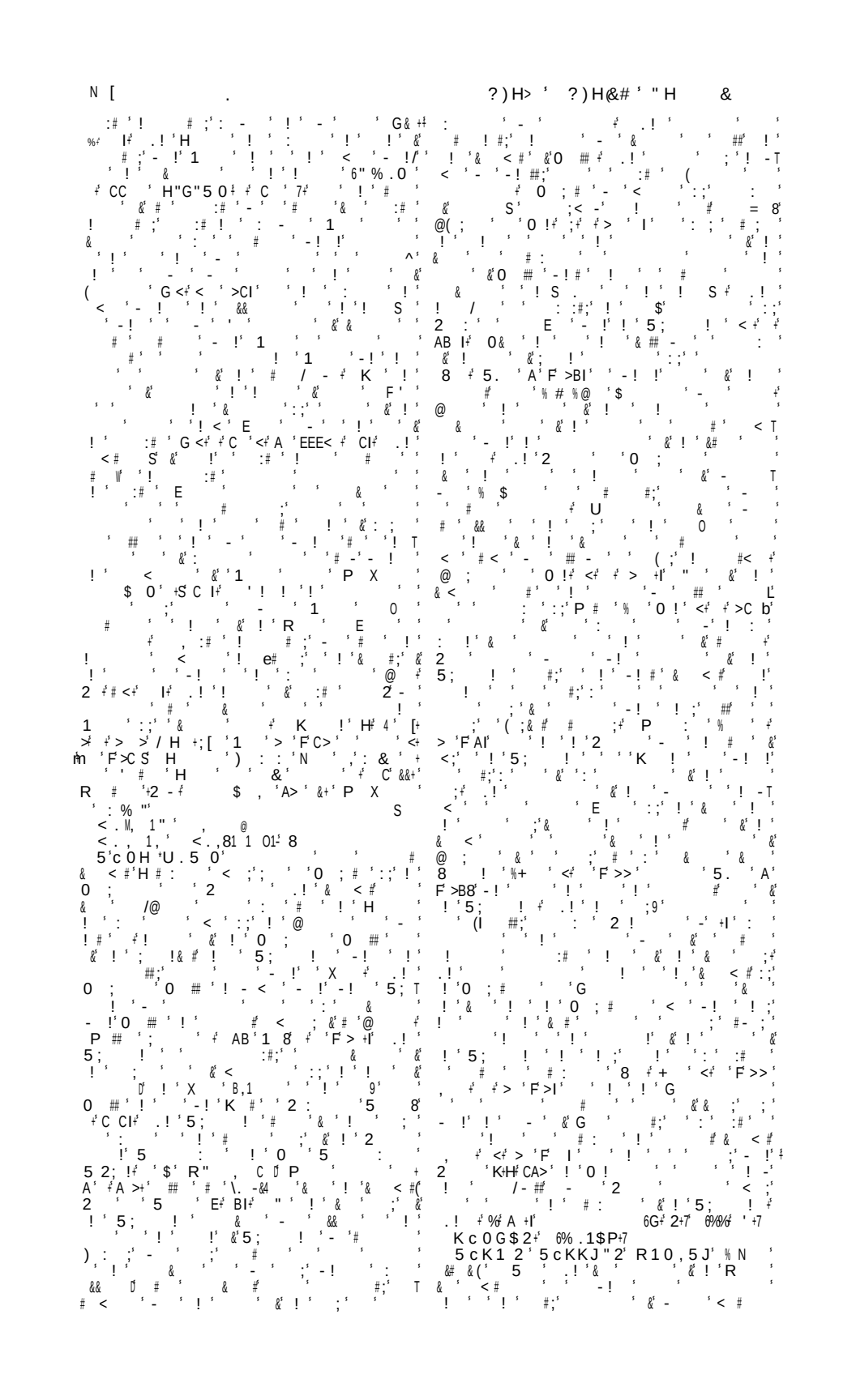

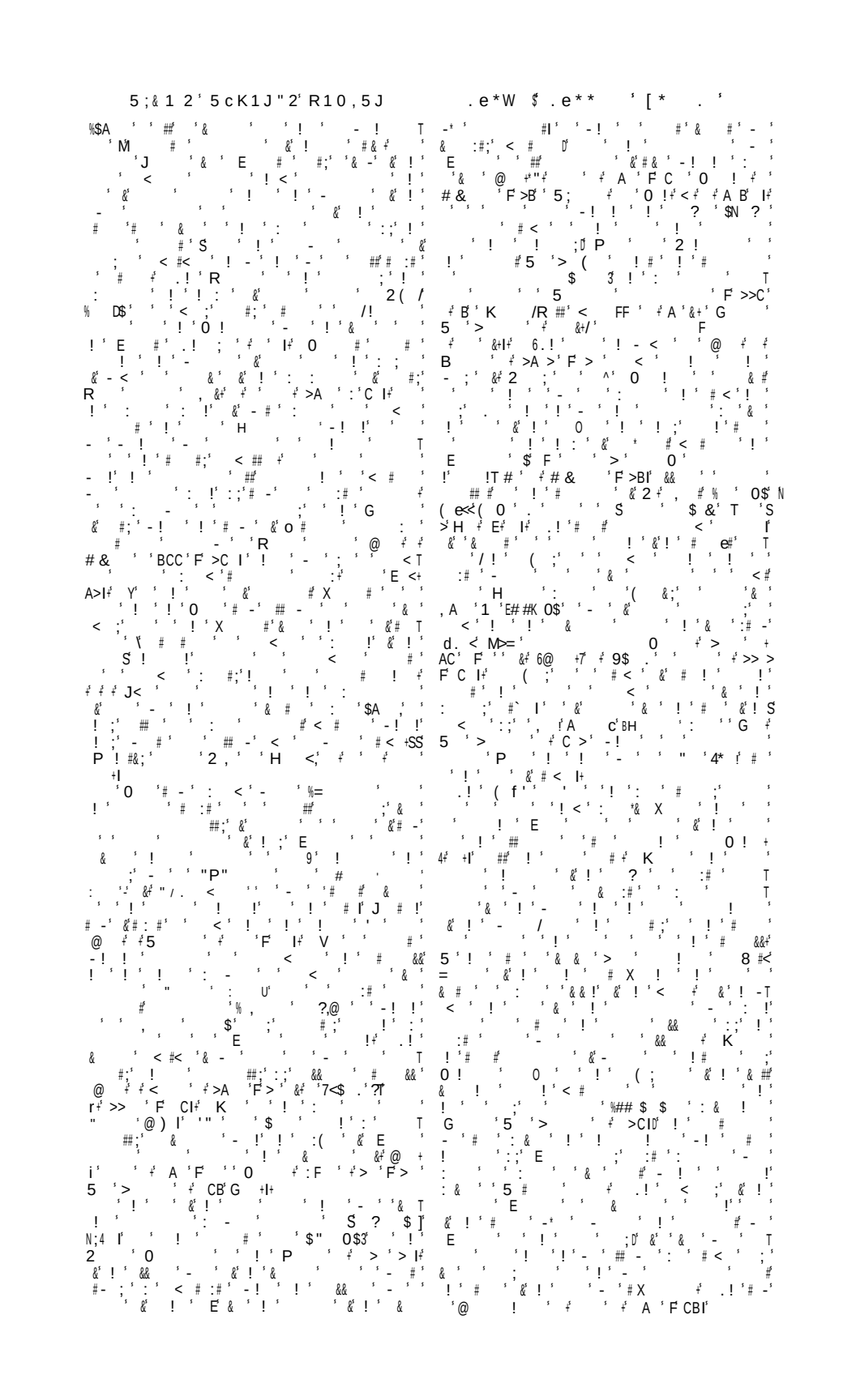

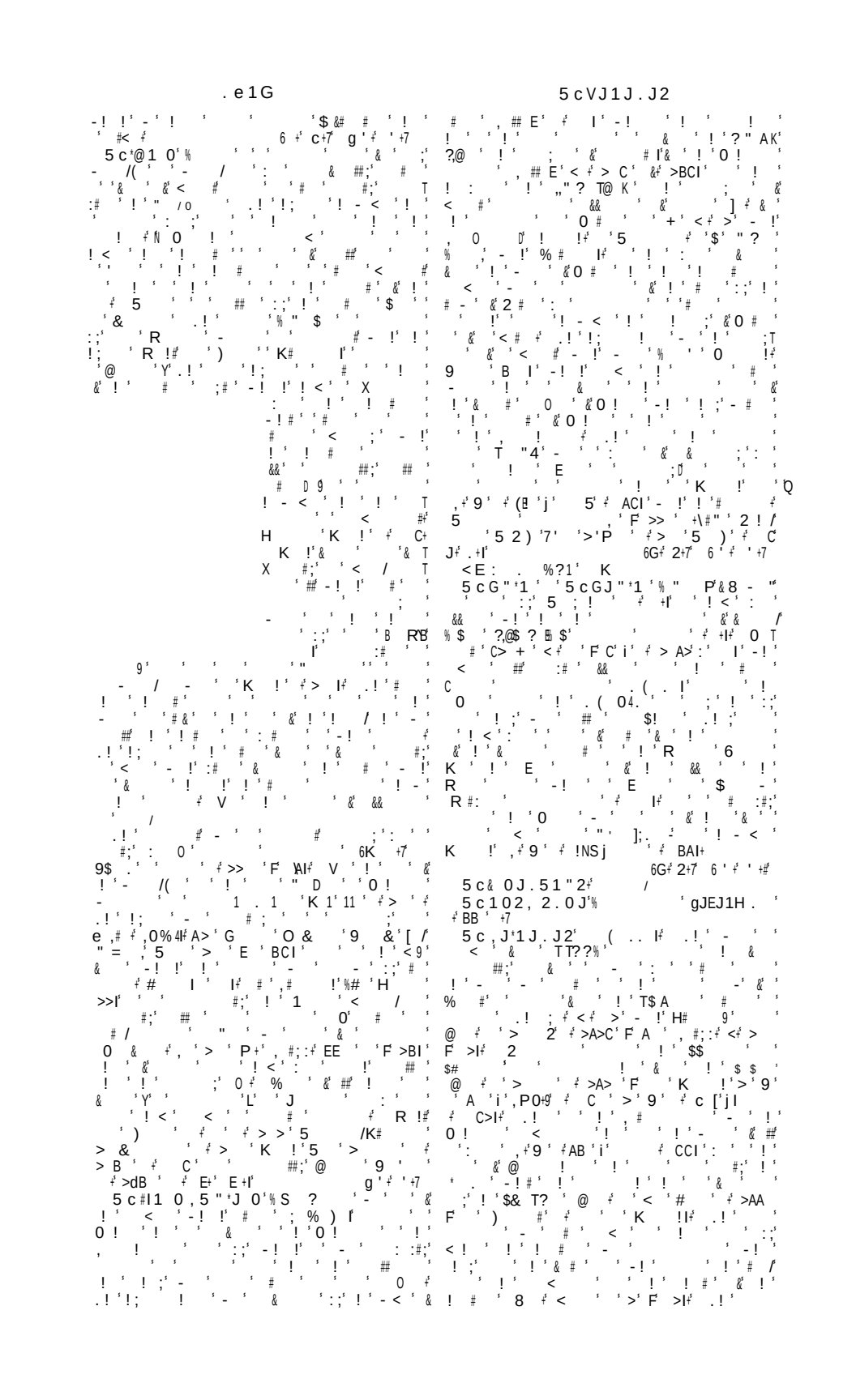

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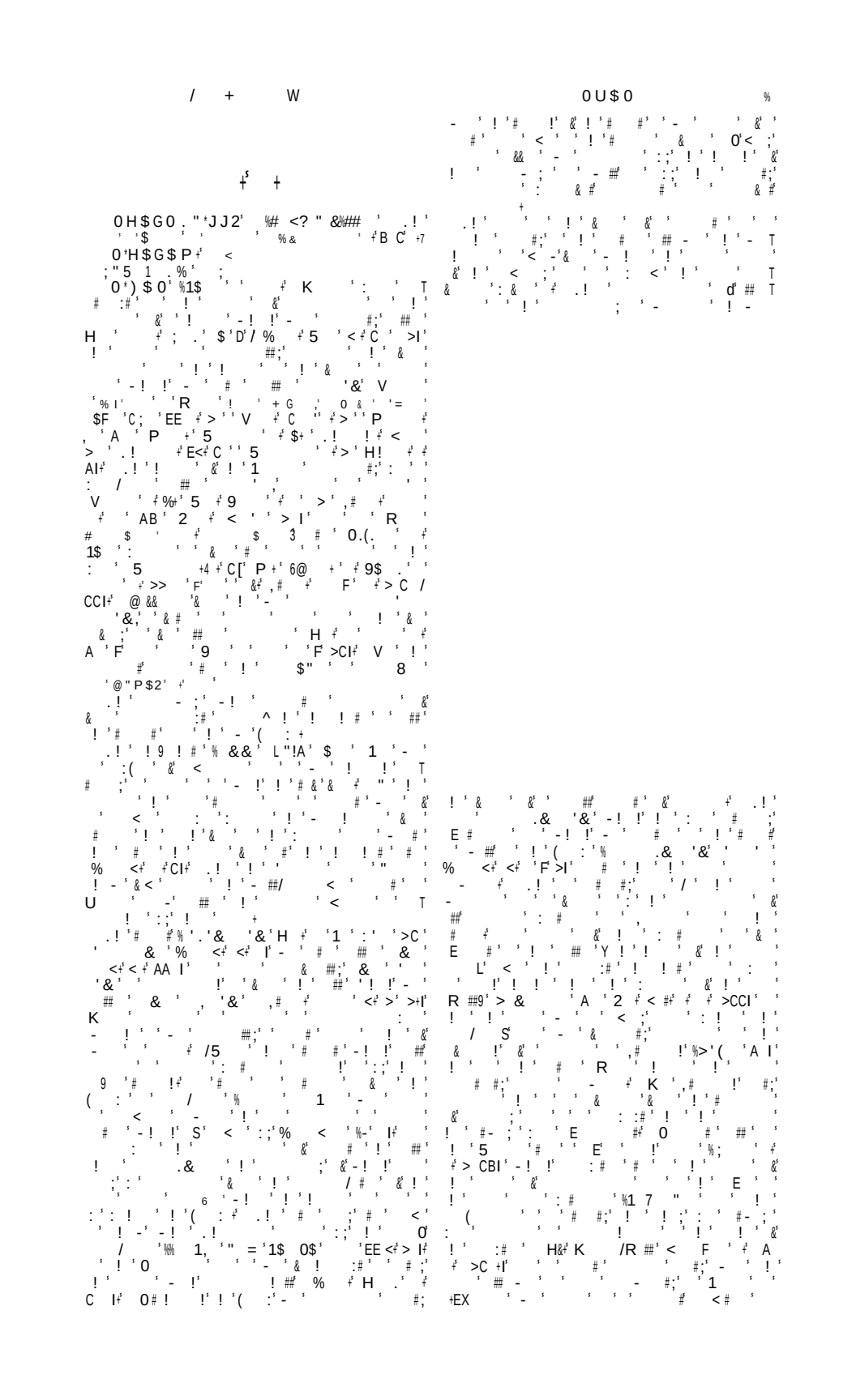

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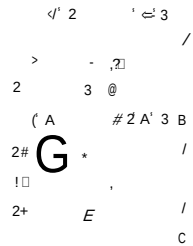
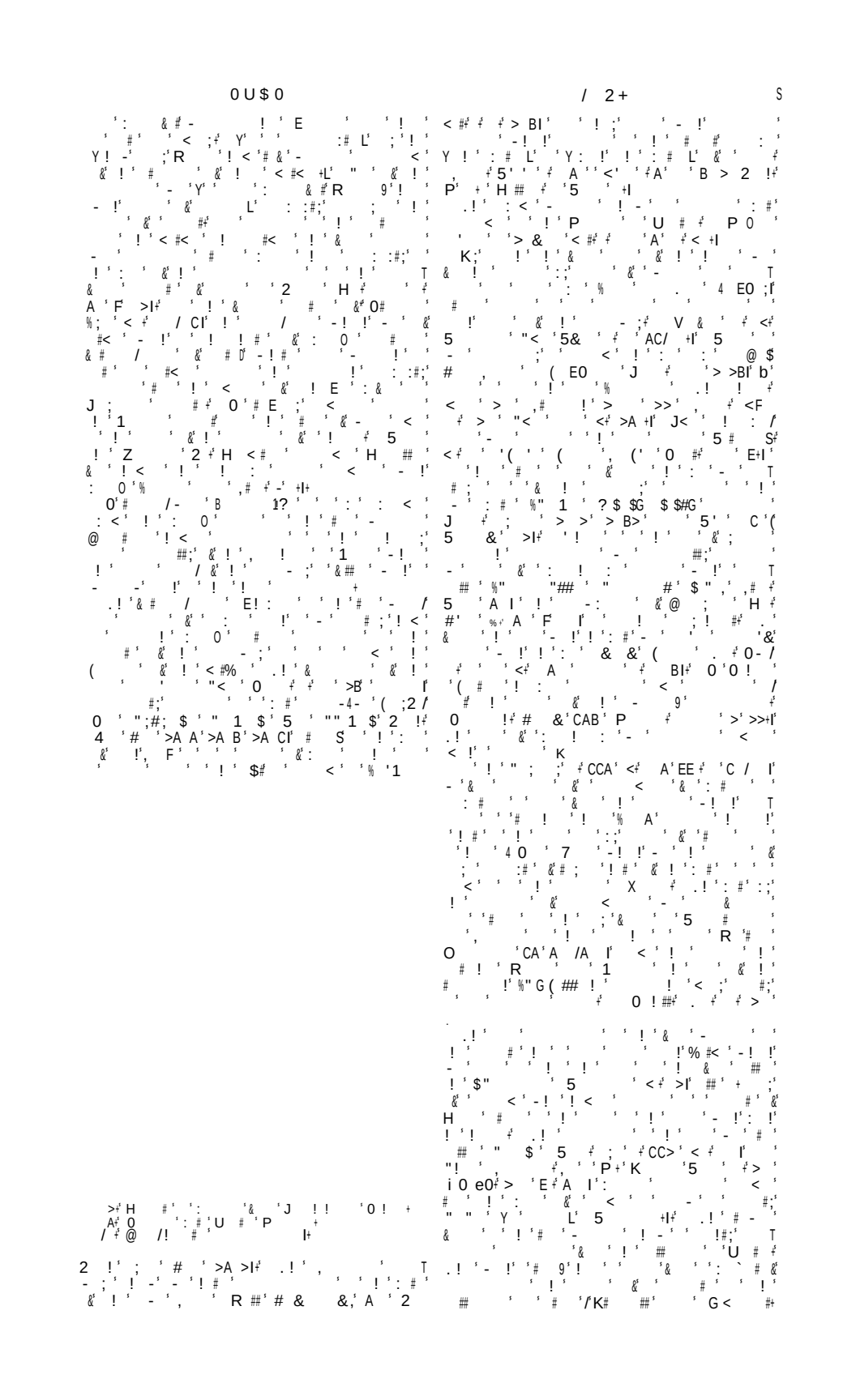
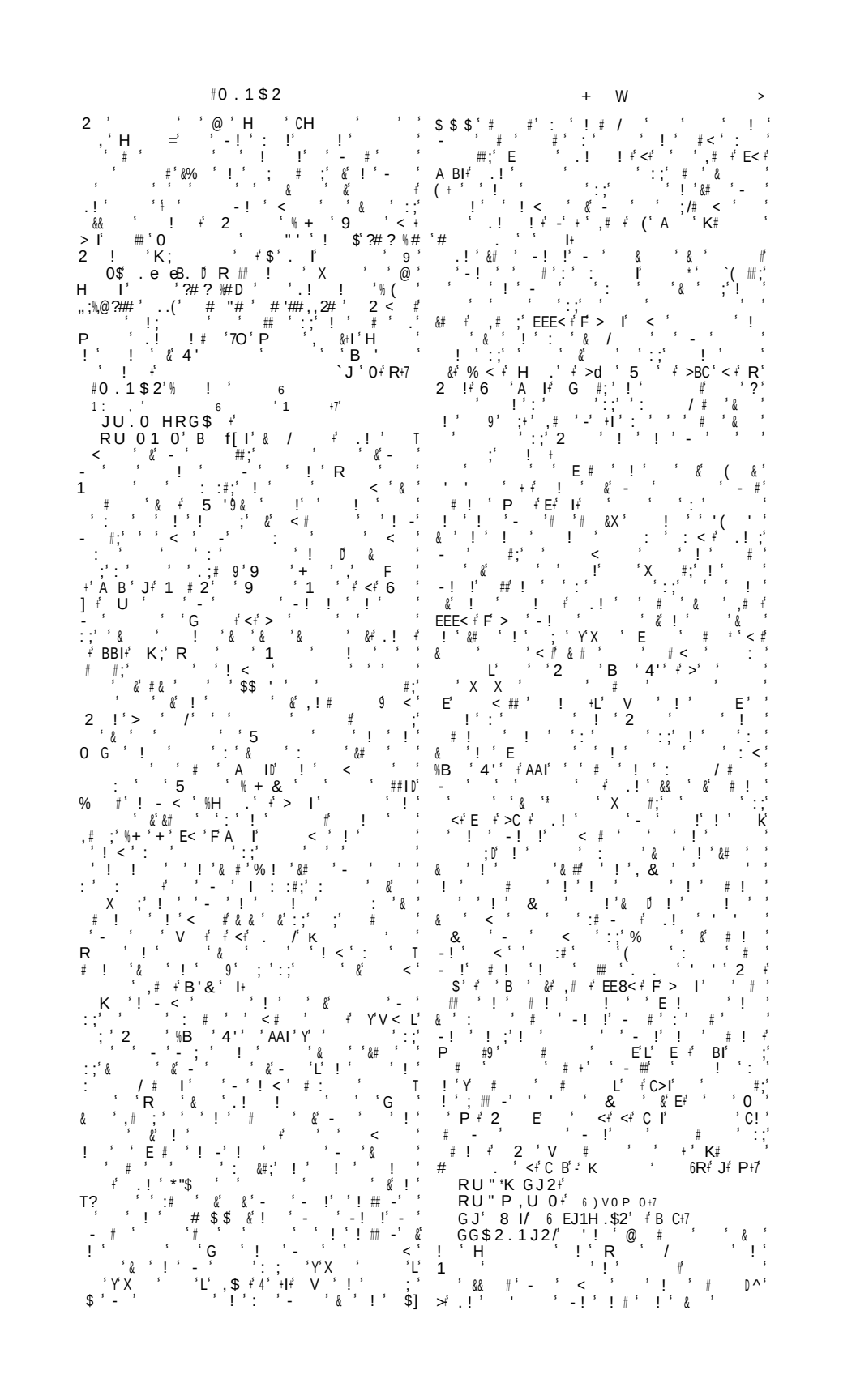
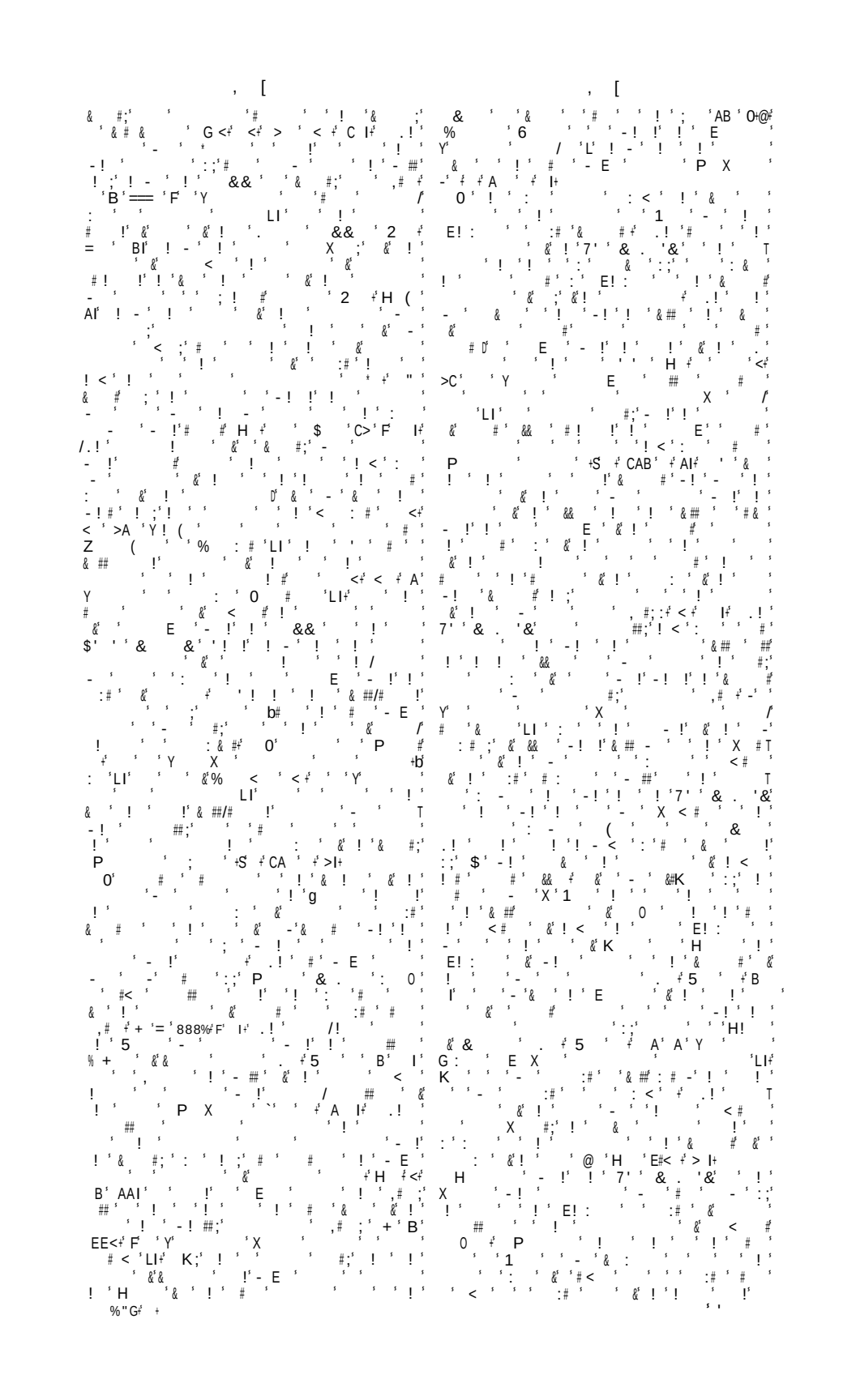
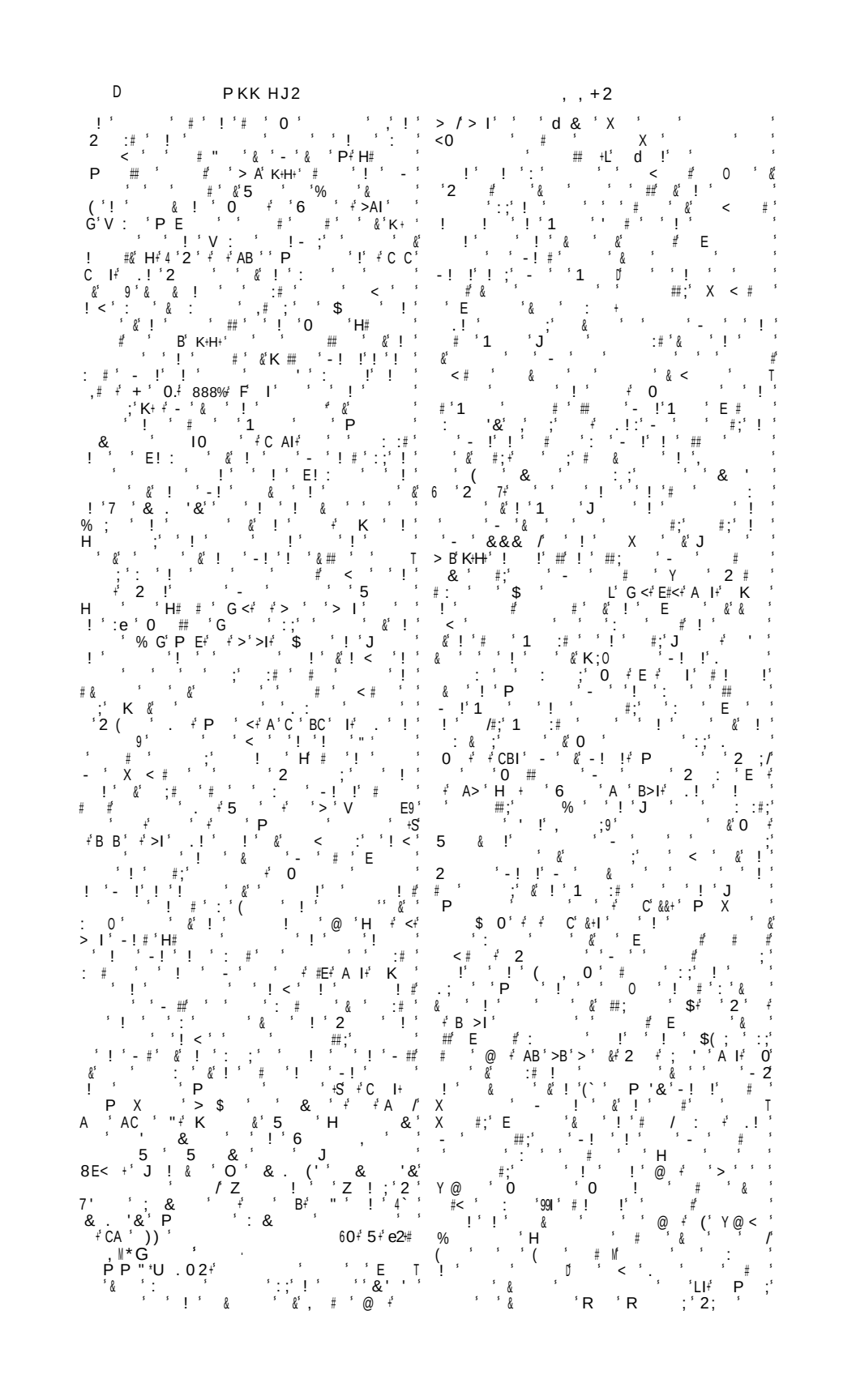
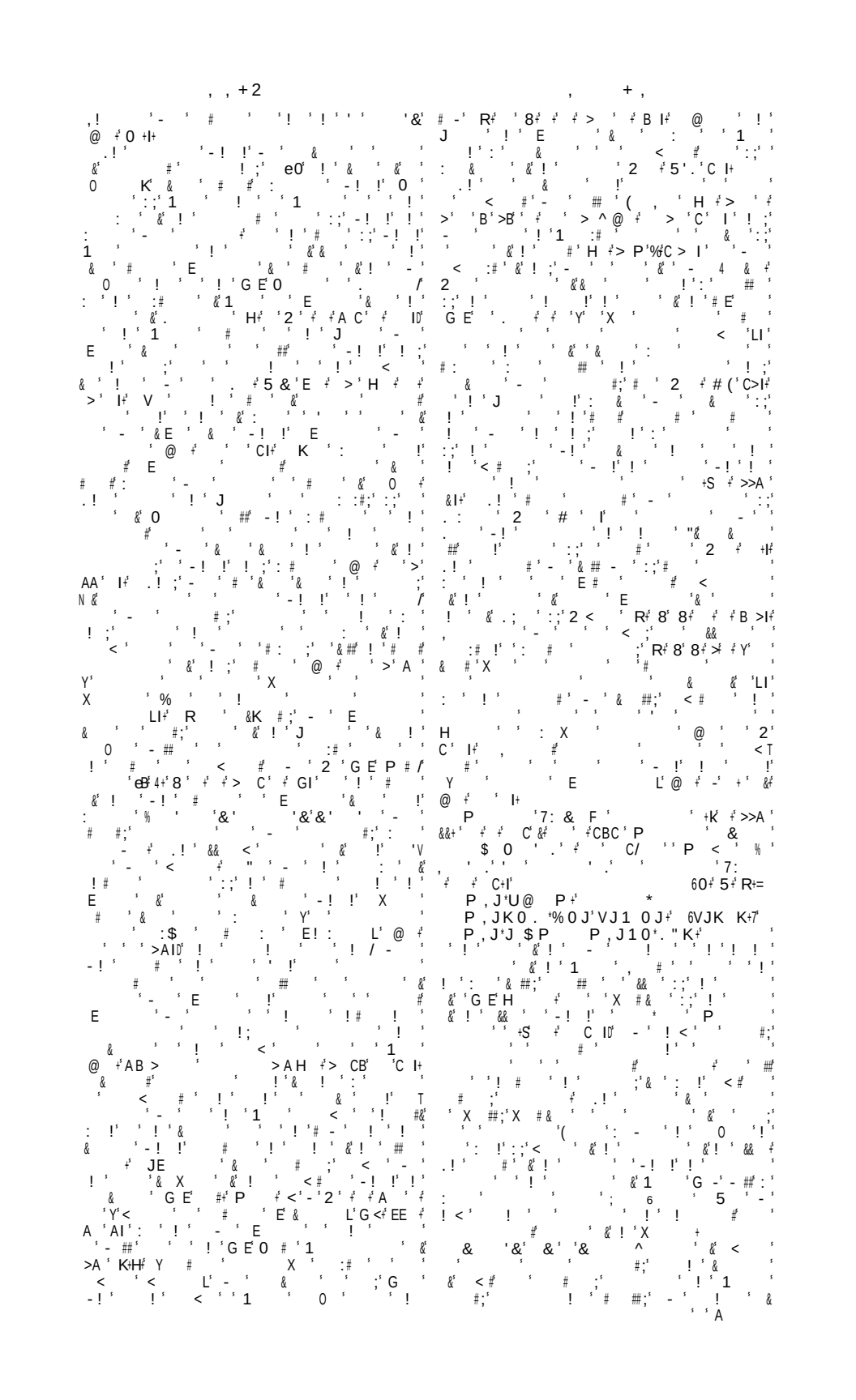


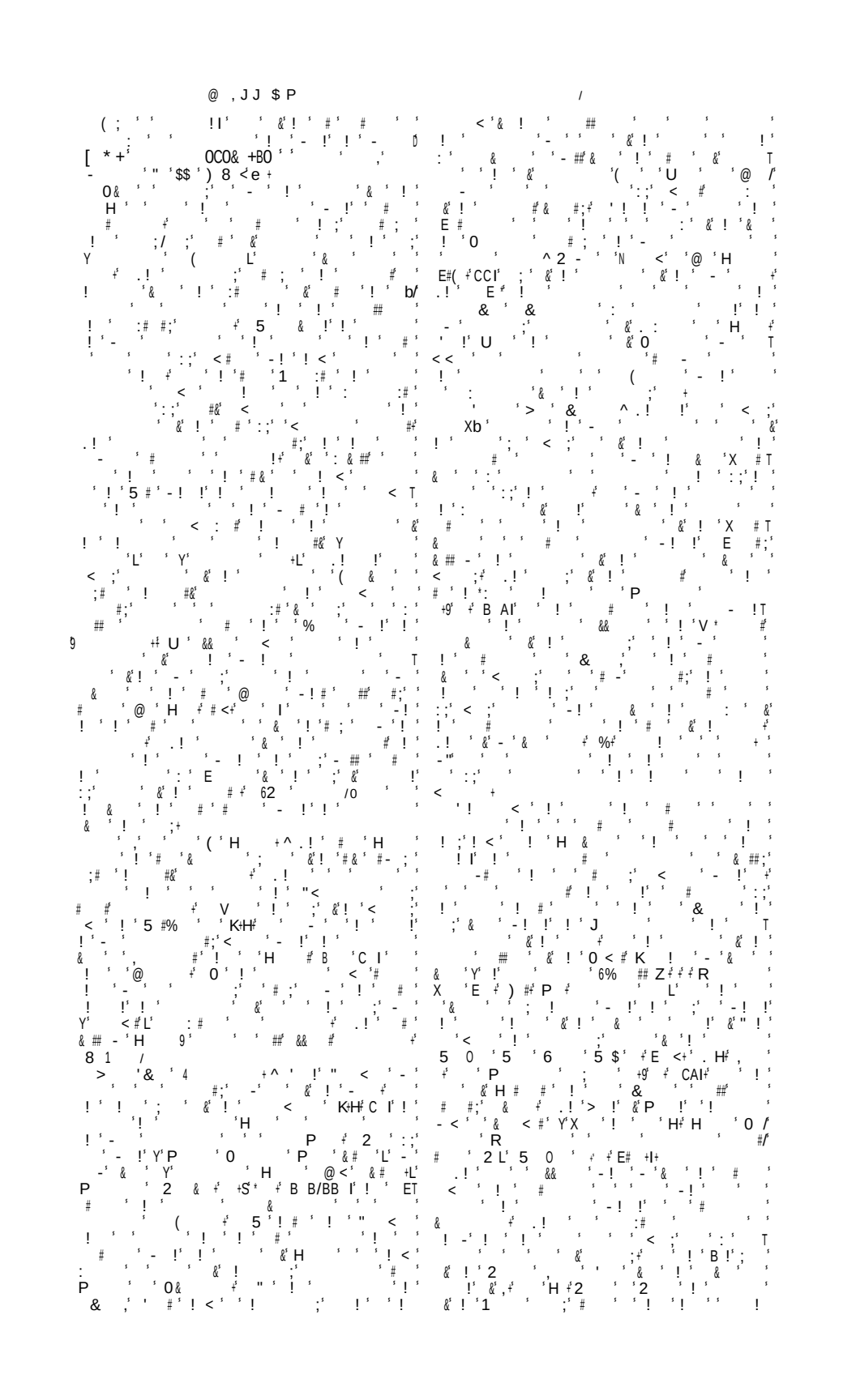


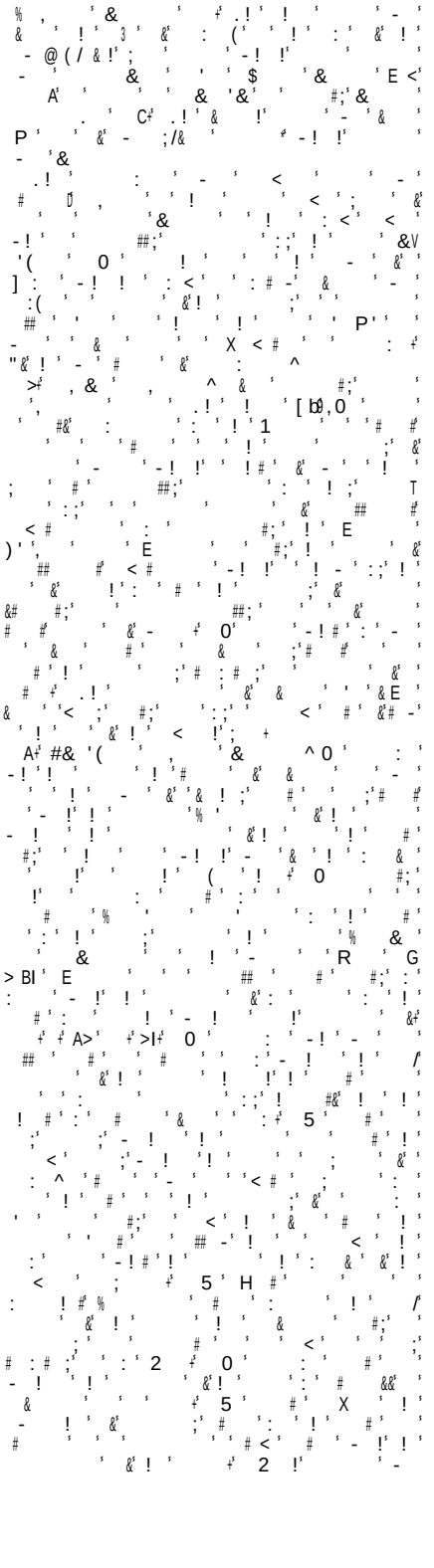


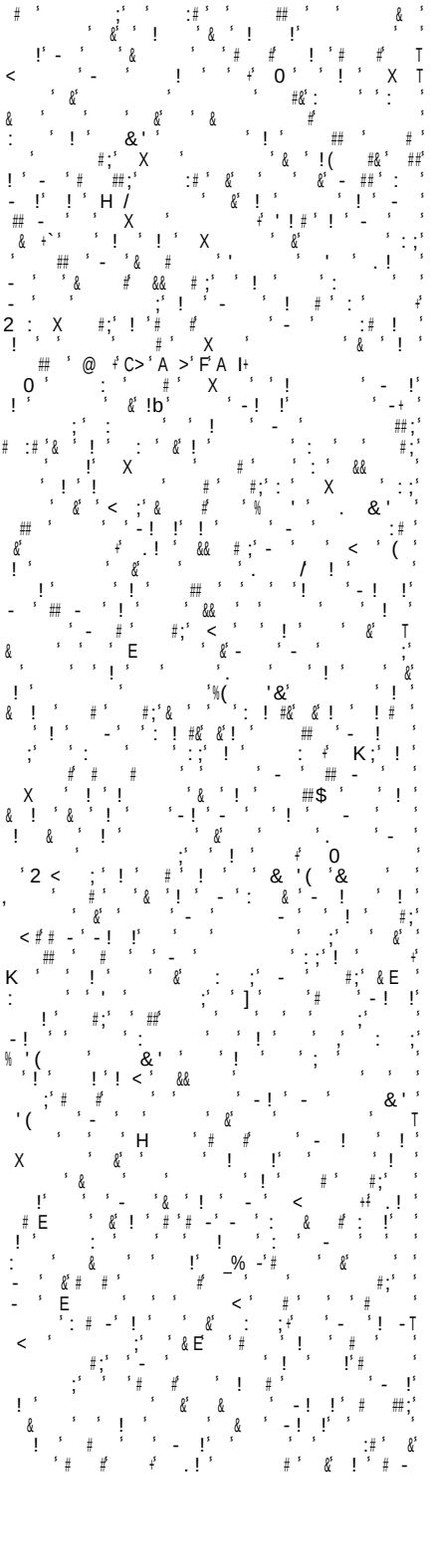


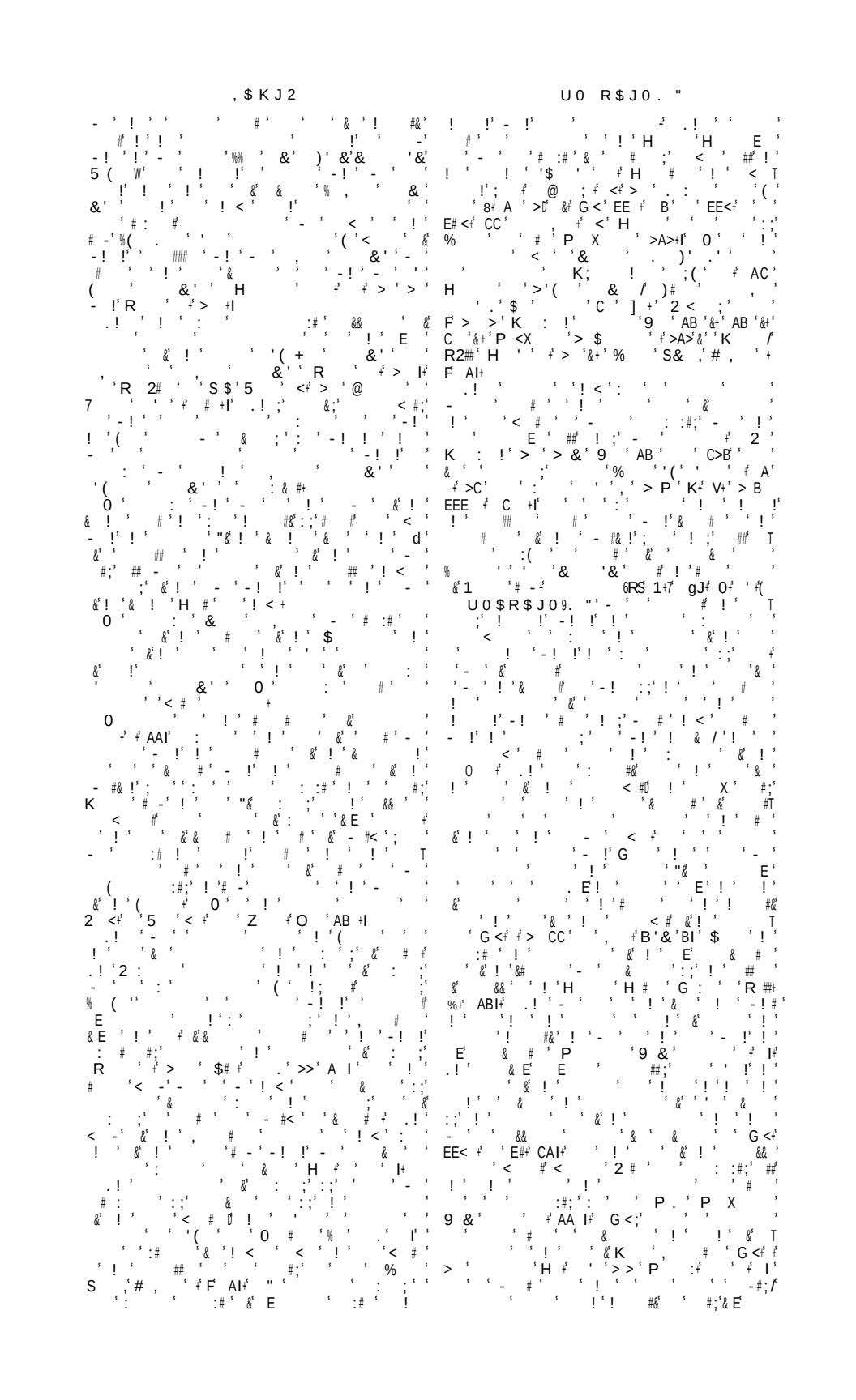












the day, but also upon the particular augur by whom he desired to be inaugurated (Cic. *l. c.*; and *Philip.* ii. 43, 110).

The higher magistrates continued to be inaugurated under the republic (Dionys. ii. 6), and for this purpose they were summoned by the augurs (*conditio, denuntiatio*) to appear on the Capitol on the third day after their election (Serv. *ad* Verg. *Aen.* iii. 117). This inauguratio conferred no priestly dignity upon the magistrates, but was merely a method of obtaining the sanction of the gods to their election, and gave them the right to take the auspicia; and on important emergencies it was their duty to make use of this privilege. At the time of Cicero, however, this duty was scarcely ever observed (Cic. *de Divin.* ii. 36, 76). A building was "inaugurated" only when it was to be used for meetings of the senate, or when the rites to be performed there required it should be a *templum*. The *inauguratio* hallowed the site, and the *consecratio* the building. Thus the *Aedes Vestae* was consecrated, but not inaugurated, and meetings of the senate were never held there.

[The word *inauguratio* is post-classical, but the verb *inaugurare* is commonly in use.] Cp. AUSPICIA. [L. S.] [A. S. W.]

INAURIS, an ear-ring; called in Greek ἐνώτιον, because it was worn in the ear (οὖς), and ἐλλόβιον, because it was inserted into the lobe of the ear (λοβός), which was bored for the purpose; also ἕρματα, from εἴρω, "to string together" (cf. ὅρμος: Hom. *Il.* xiv. 182, *Hymn.* ii. *in Ven.* 8; Plin. *H. N.* xii. § 2).

Ear-rings were worn by both sexes in Oriental countries (Plin. *H. N.* xi. § 136); especially by the Lydians (Xen. *Anab.* iii. 1, § 31), the Persians (Diod. Sic. v. 45), the Babylonians (Juv. i. 104), and also by the Libyans (Macrob. *Sat.* vii. 3, § 7), and the Carthaginians (Plaut. *Poen.* v. 2, 21). Among the Greeks and Romans they were worn only by females.

This ornament consisted of the ring (κρίκος, Diod. Sic. *l. c.*) and of the drops (*stalagmia*,

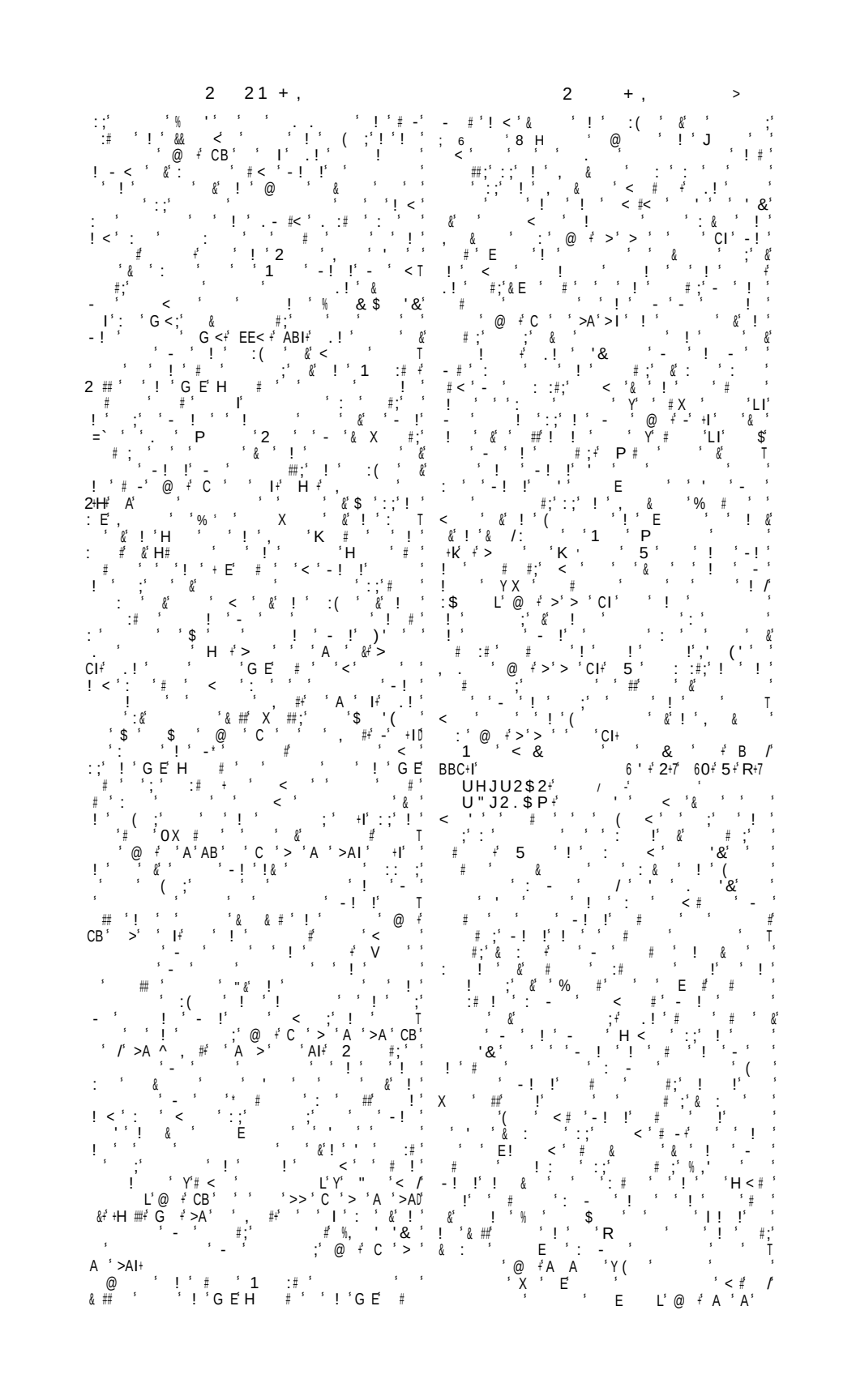
Ear-rings. (British Museum.)

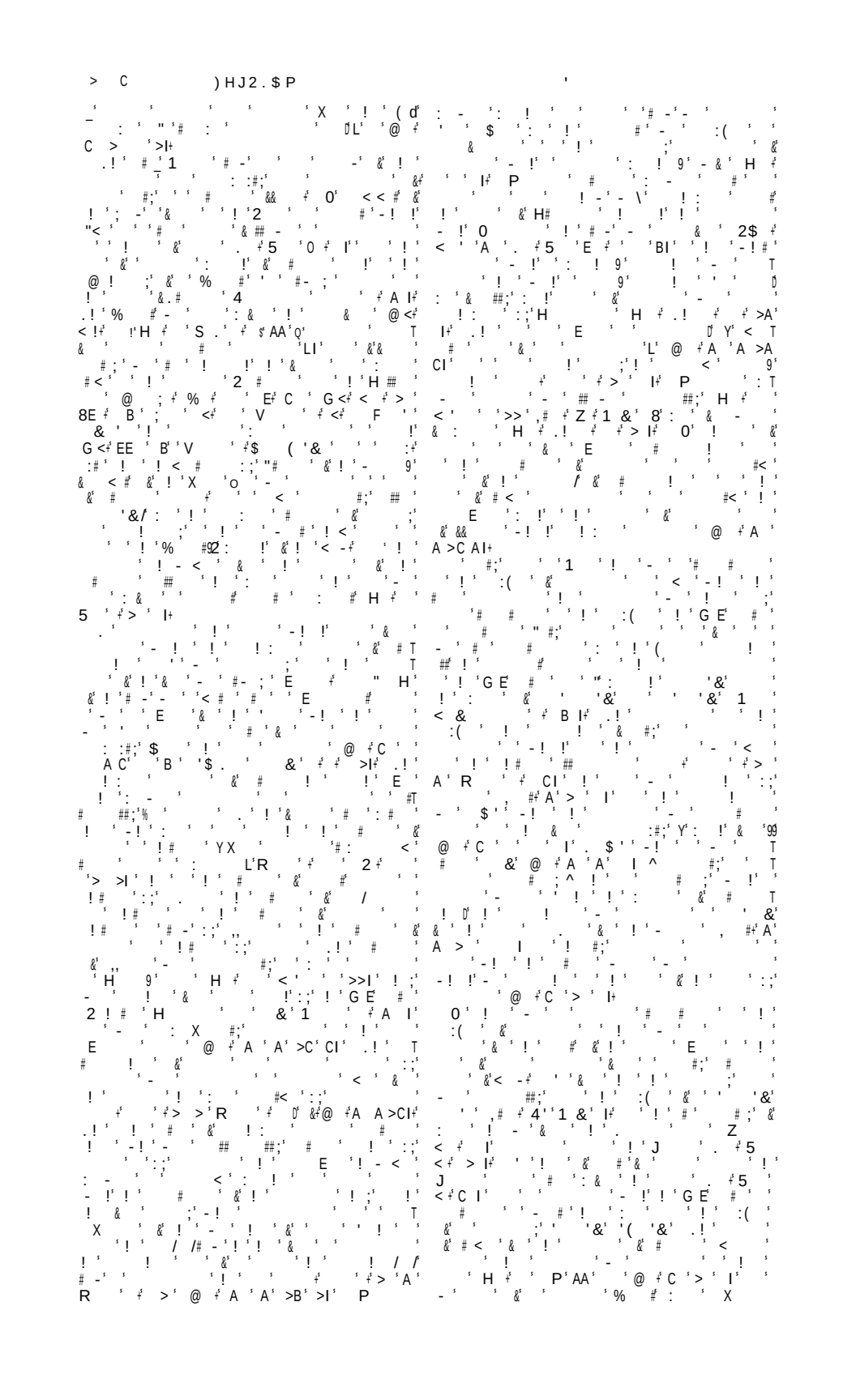
Festus, p. 317; Plaut. *Men.* iii. 3, 18). The ring was generally of gold, although the common people also wore ear-rings of bronze (see Nos. 1, 4, from the Egyptian Collection in the British Museum). Instead of a ring a hook was often used, as shown in Nos. 6, 8. The women of Italy still continue the same practice, passing the hook through the lobe of the ear without any other fastening. The drops were sometimes of gold, very finely wrought (see Nos. 2, 7, 8), and sometimes of pearls (Plin. *ll. cc.*; Sen. *de Ben.* vii. 9, § 4; Ovid. *Met.* x. 265; Claud. *de VI. Cons. Honor.* 528; Sen. *Phaedr.* 400) and precious stones (Nos. 3, 5, 6). The pearls were valued for being exactly spherical (Hor. *Epod.* 8, 13), as well as for their great size and delicate whiteness; but those of an elongated form, called *elenchi*, were also much esteemed, being adapted to terminate the drop, and being sometimes placed two or three together for this purpose (Plin. *H. N.* ix. § 113; Juv. vi. 459). In the Iliad (xiv. 182, 183), Hera, adorning herself in the most captivating manner, puts on ear-rings made with three drops; on the epithets τρίγληνα μορόεντα, see Helbig, *d. Hom. Epos*, p. 271 f.; Leaf, *ad loc.*; GEMMA. Pliny observes (xi. § 136) that greater expense was lavished on no part of the dress than on the ear-rings; and according to Seneca the value of two or three estates might be worn in a single ear (*de Ben.* vii. 9, § 4; cf. *de Vita Beata*, 17, § 2). All the ear-rings above engraved belong to the Hamilton Collection in the British Museum; we add another of a more elaborate description, in which animal figures of high artistic beauty take the place of mere ornamental patterns.

Inauris. (British Museum.)

In opulent families the care of the ear-rings was the business of a female slave, who was called *Auriculae Ornatrix* (Gruter, *Inscr.*). The Venus de' Medici, and other female statues, have the ears pierced, and probably once had ear-rings in them. The statue of Achilles at Sigeum, representing him in female attire, likewise had this ornament (Serv. in Verg. *Aen.* i. 30; Tertull. *de Pall.* 4). [J. Y.] [W. W.]

INCENDIUM, the crime of setting any object on fire, by which the property of a man is endangered. It was thus a more general term than the modern *arson*, which is limited to the act of wilfully and maliciously burning the property of another. The crime of incendium was the subject of one of the laws of the Twelve Tables, which inflicted a severe punishment on the person who set fire to property maliciously (*sciens prudens*); but if it were done





"familiam in potestate habere" (Liv. viii. 15), which means that she was prevented from manumitting her slaves and so escaping the evidence which might be wrung from them by torture.

(Rein, *Criminalrecht der Römer*, pp. 869 ff.; *Privatrecht der Römer*, pp. 404 ff.; Walter, *Geschichte des römischen Rechts*, pp. 830 ff.; Schulin, *Geschichte des römischen Rechts*, pp. 176, 204 ff.; Madvig, *Verfassung und Verwaltung des römischen Staates*, p. 830.) [A. H. G.]

INCITE'GA, a corruption of the Greek ἀγγοθήκη or ἐγγυθήκη, a term used to denote a piece of domestic furniture, variously shaped, and made of silver, bronze, or wood; sometimes adorned with figures; and employed to hold amphorae, bottles, alabastra, or any other vessels which were round or pointed at the bottom, and therefore required a separate contrivance to keep them erect (Athen. v. p. 209 f—210 c; Festus, s. v. *Incitega;* Bekk. *Anecd.* p. 245; Wilkinson, *Anc. Egyptians*, ed. Birch, vol. ii. pp. 8, 9, 42). Some of those used at Alexandria were triangular (Ath. *l. c.*). We often see them represented in ancient Egyptian paintings. The annexed woodcut shows three ἀγγοθῆκαι, which are preserved in the British Museum. Those on the right and left hand are of wood, the one having

Incitegae. (British Museum.)

four feet, the other six; they were found in Egyptian tombs. The third is a broad earthenware ring, which is used to support a Grecian amphora.

Of the two Greek forms, ἐγγυθήκη is the best attested (Lys. *ap.* Ath. l. c. *fr.* 18 Bekk. = 20 Scheibe), ἀγγοθήκη, from ἄγγος, a vessel, the most intelligible. The frequent employment in ancient times of vessels not made to stand is further illustrated by the cuts under ALABASTROTHECA, ALABASTRUM, AMPHORA, and CHYTROPUS. [J. Y.] [W. W.]

I'NCOLA. [DOMICILIUM.]

INCORPORA'LES RES. [DOMINIUM.]

INCUNA'BULA or CUNA'BULA (σπάργανα), swaddling-clothes.

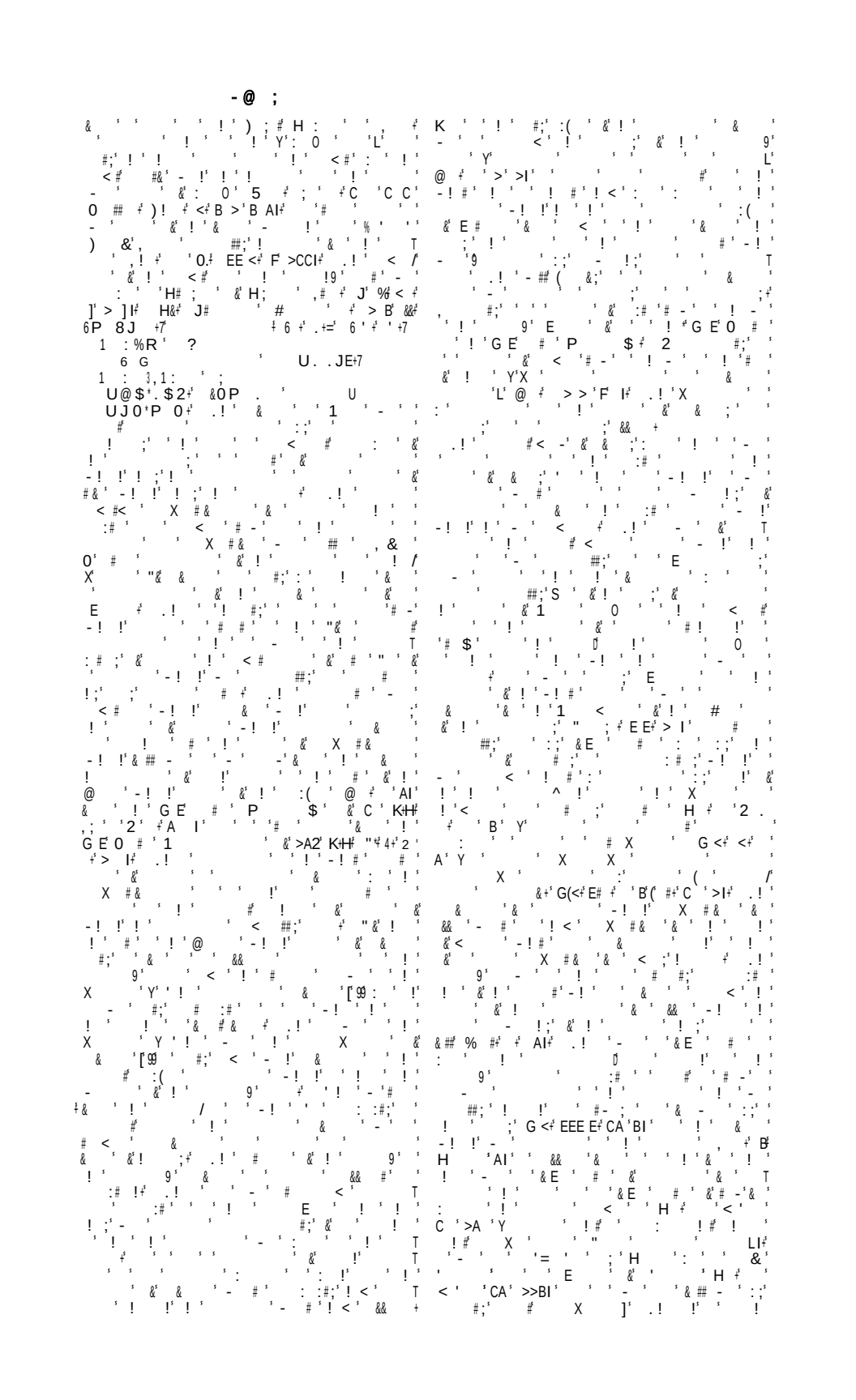
The first thing done after the birth of a child was to wash it; the second to wrap it in swaddling clothes, and the rank of the child was indicated by the splendour and costliness of this its first attire. Sometimes a fine white shawl, tied with a gold band, was used for the purpose ([Hom.] *Hymn. in Apoll. Del.* 121, 122); at other times a small purple scarf, fastened with a brooch (Pind. *Pyth.* iv. 114 (203); χλαμύδιον, Longus, i. 2, § 3). The poor used broad fillets of common cloth (*panni*, Luke ii. 7, 12, Ezek. xvi. 4, *Vulg.*: comp. Hom. *Hymn. in Merc.* 151, 306; Apollod. *Bibl.* iii. 10, § 2; Aelian, *V. H.* ii. 7; Eurip. *Ion*, 32; Dion Chrysost. vi. p. 203,

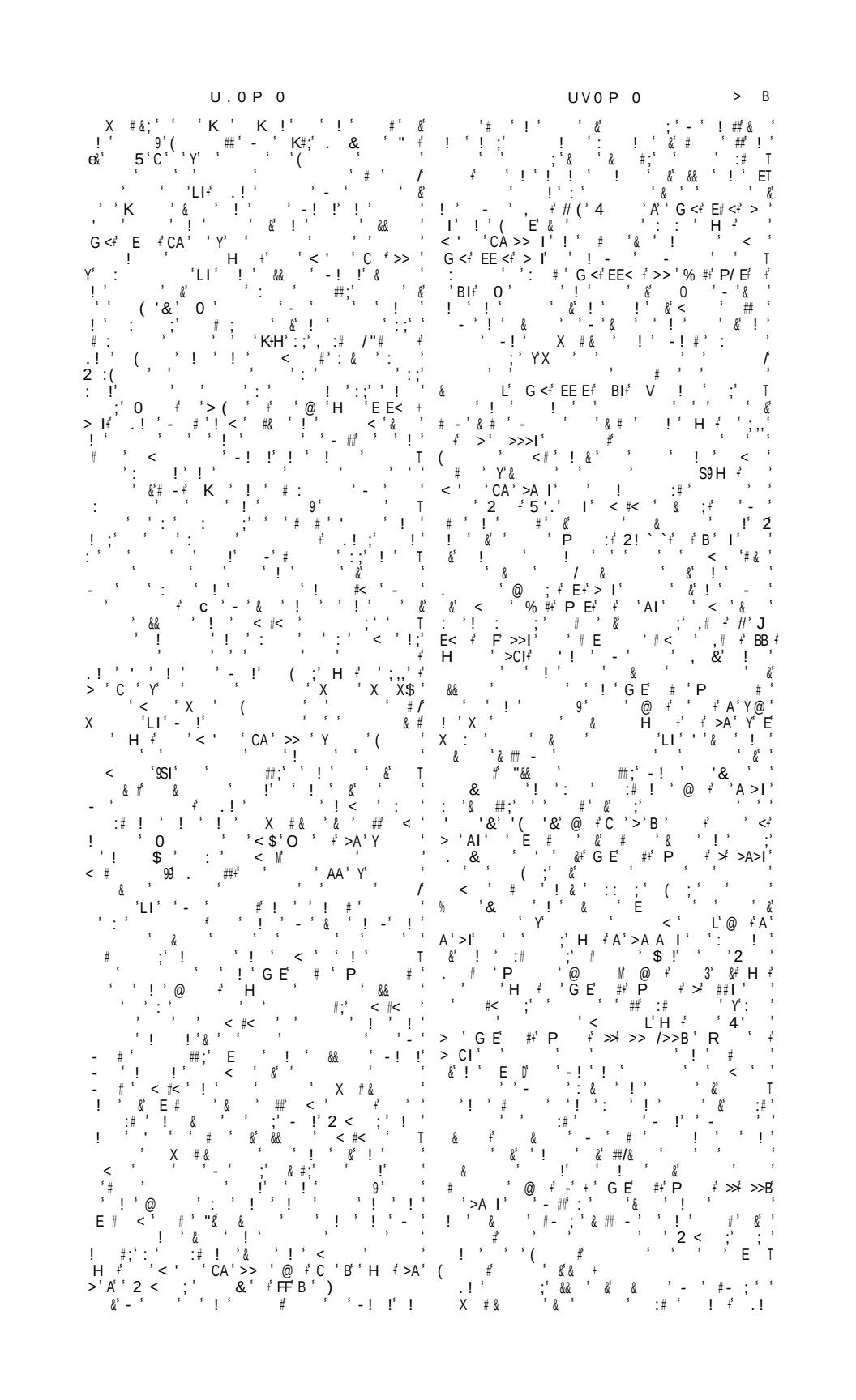
Incunabula, from a bas-relief.

ed. Reiske; Plaut. *Amphitr.* v. 1, 55, *Truc.* v. 13). The preceding woodcut, taken from a beautiful bas-relief at Rome, which is supposed to refer to the birth of Telephus, shows the appearance of a child so clothed, and renders in some degree more intelligible the fable of the deception practised by Rhea upon Saturn in saving the life of Jupiter by presenting a stone, enveloped in swaddling-clothes, to be devoured by Saturn instead of his new-born child (Hes. *Theog.* 485). It was one of the peculiarities of the Lacedaemonian education to dispense with the use of σπάργανα, and to allow children to enjoy the free use of their limbs (Plut. *Lycurg.* 16). Plato also is in favour of freedom, and ridicules the notion that infants are to be kept for two years in swaddling-clothes (*Legg.* vii. p. 789 E). Aristotle mentions mechanical appliances as used by some nations to prevent children from growing crooked (*Pol.* vii. 17 = p. 1336 a, 11). (Cf. Becker-Göll, *Charikles*, ii. 21; Blümner, *Privatalterth.* p. 289; FASCIA.) [J. Y.] [W. W.]

INCUS (ἄκμων), an anvil. The representation of Vulcan and the Cyclopes on various works of art show that the ancient anvil was formed like that of modern times. When the smith wanted to make use of it, he placed it on a large block of wood (ἀκμόθετον, Hom. *Il.* xviii. 410, 476, *Od.* viii. 274; *positis incudibus*, Verg. *Aen.* vii. 629, viii. 451); and when he made the link of a chain, or any other object which was round or hollow, he beat it upon a point projecting from one side of the anvil. The annexed woodcut, representing Vulcan forging a thunderbolt for Jupiter, illustrates these circumstances; it is taken

Incus, anvil, from a gem.





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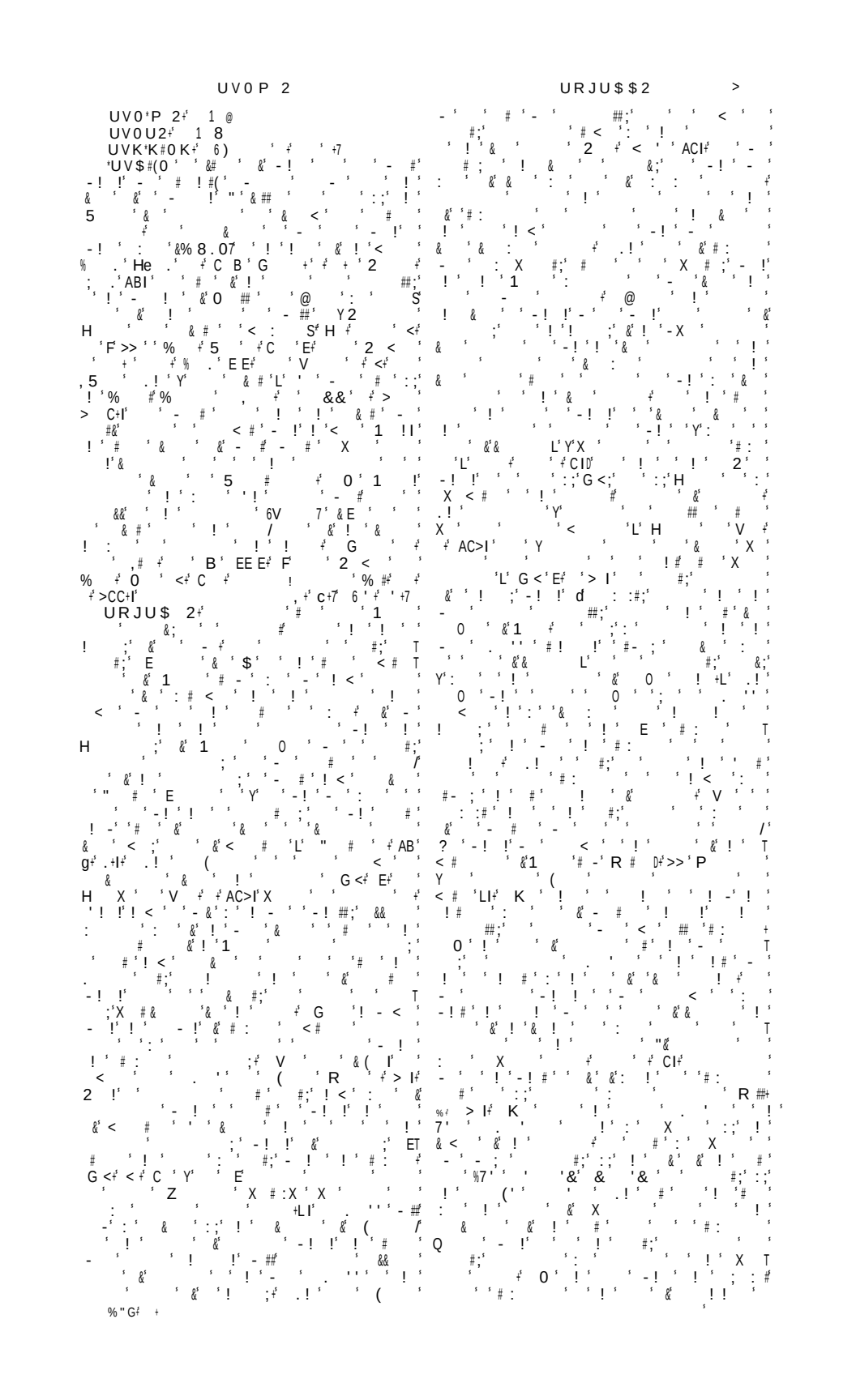

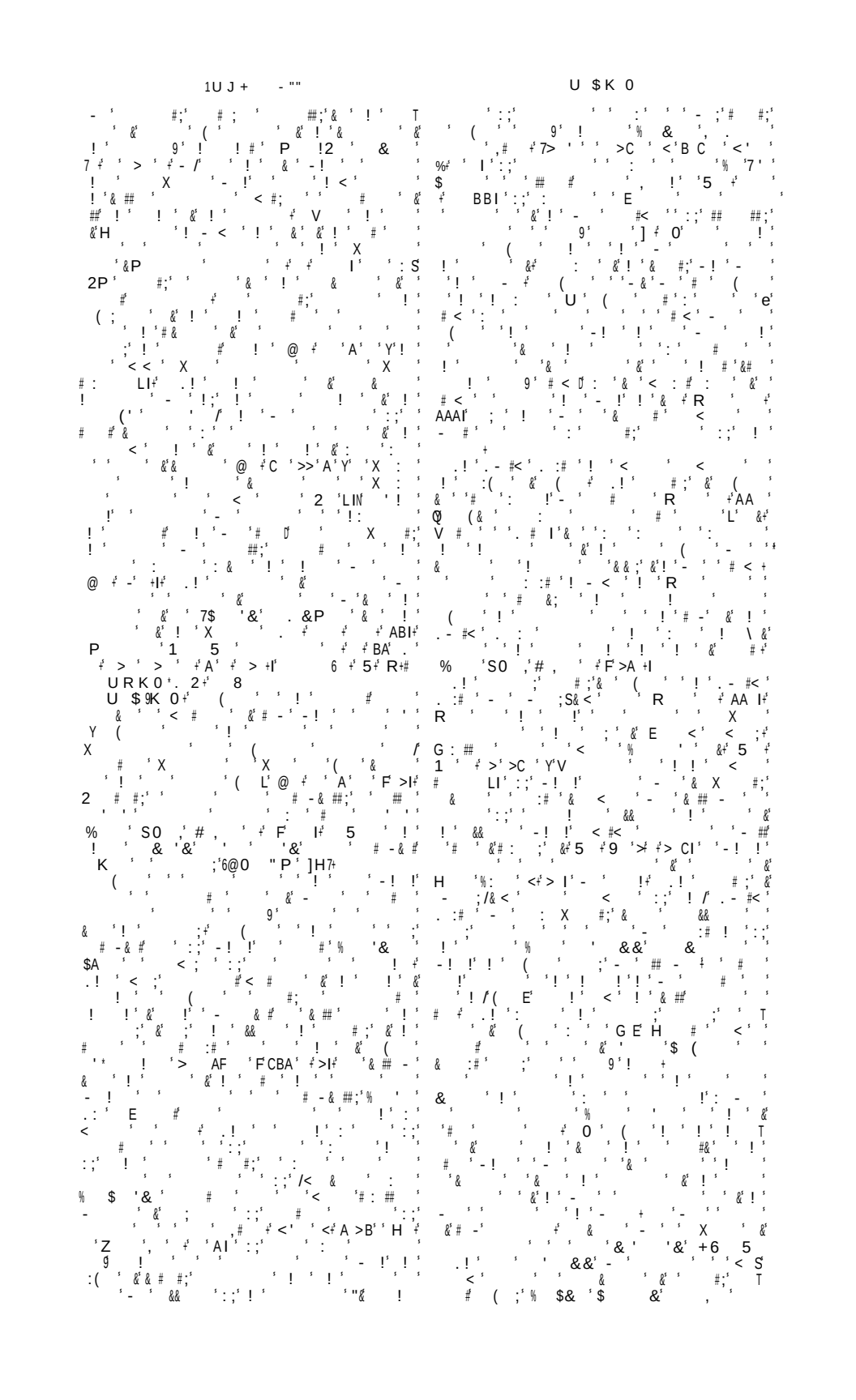

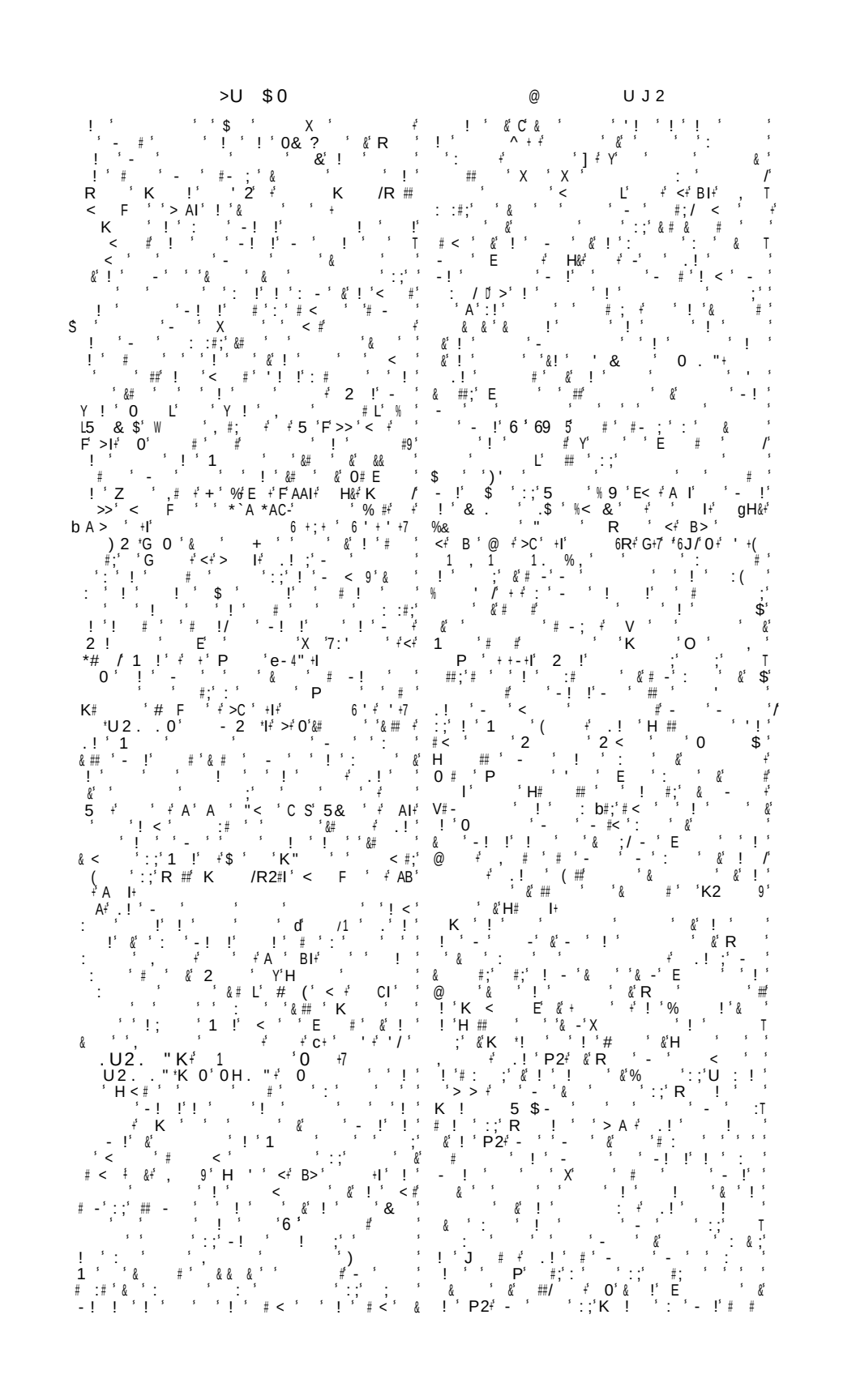

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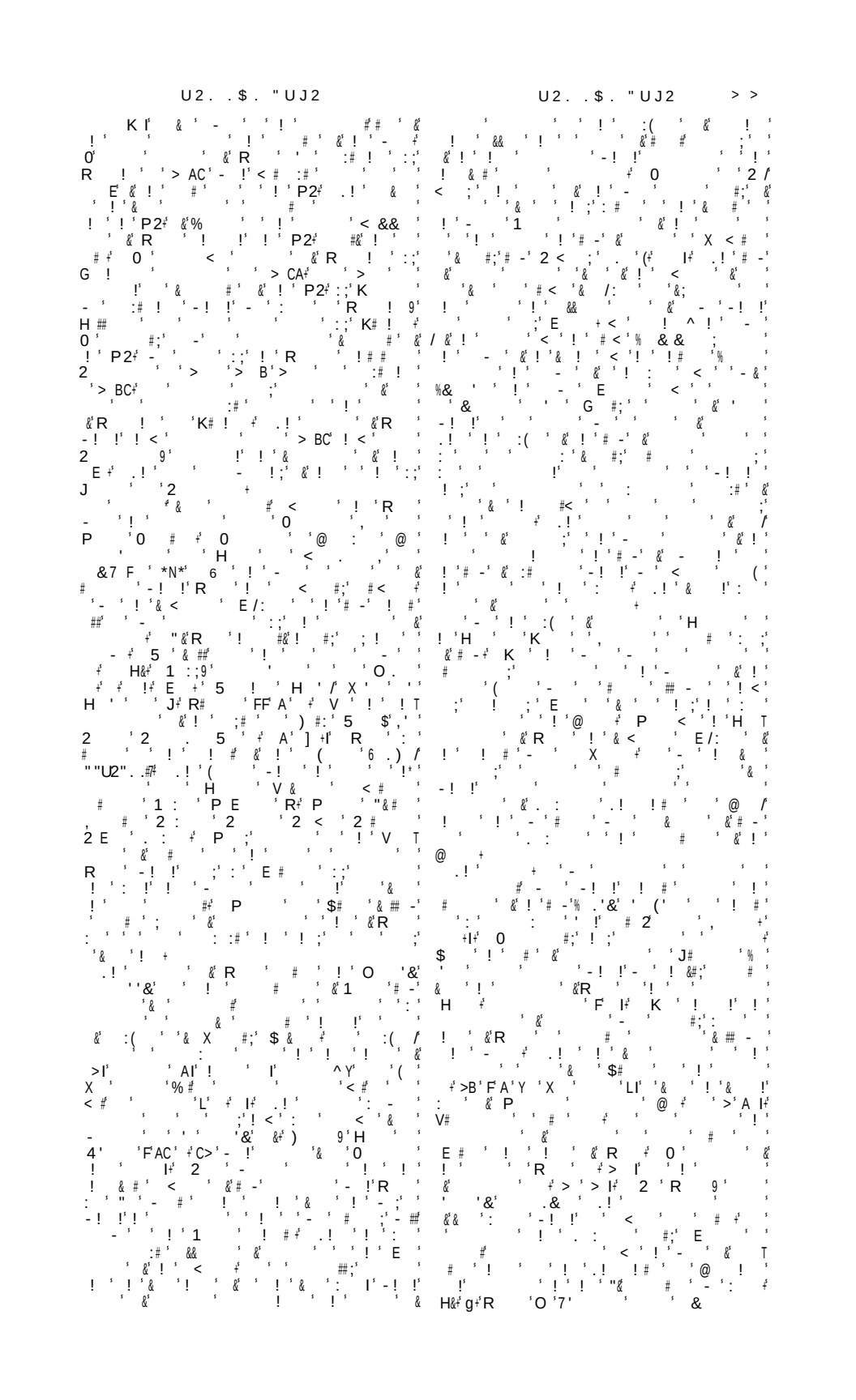

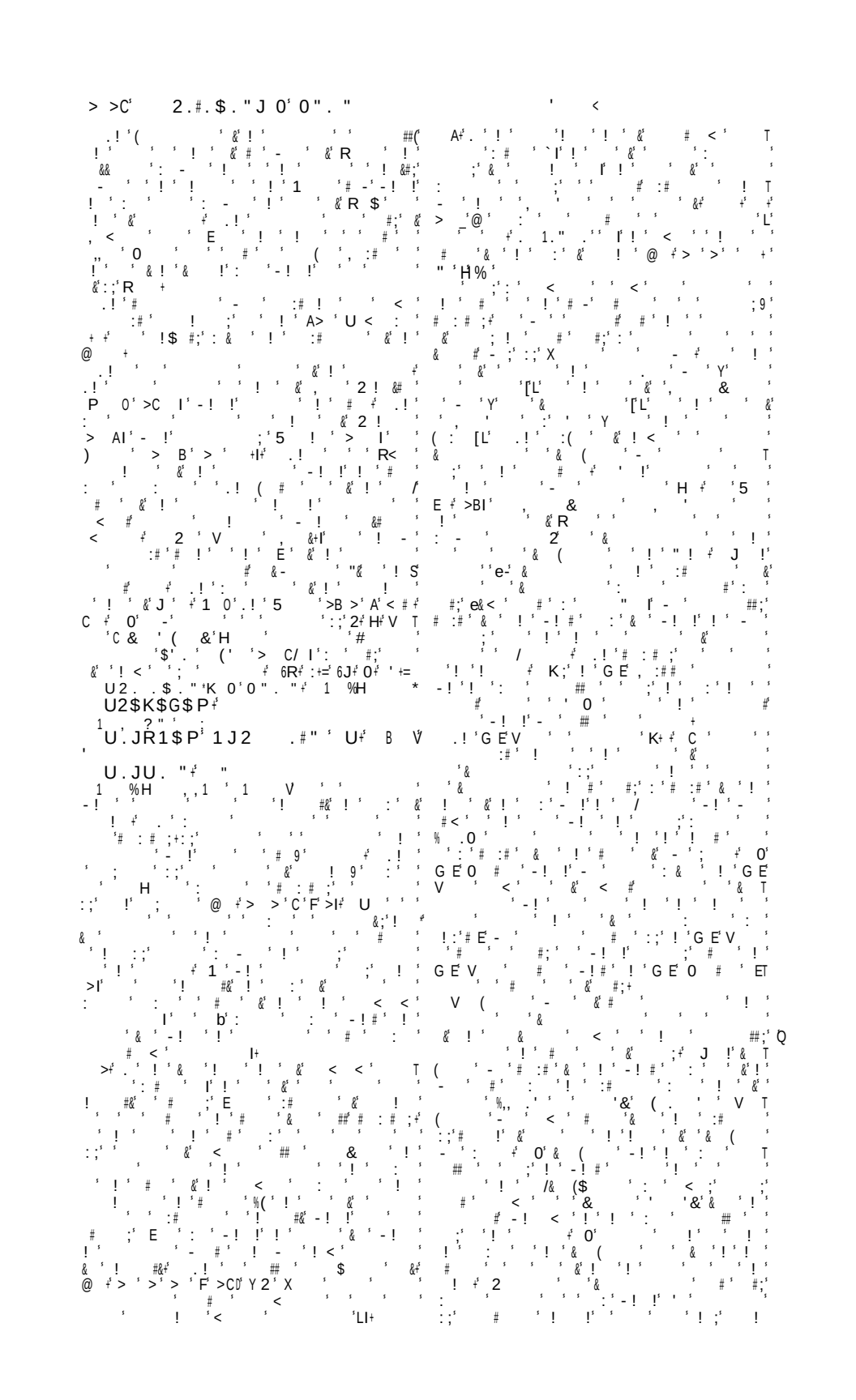

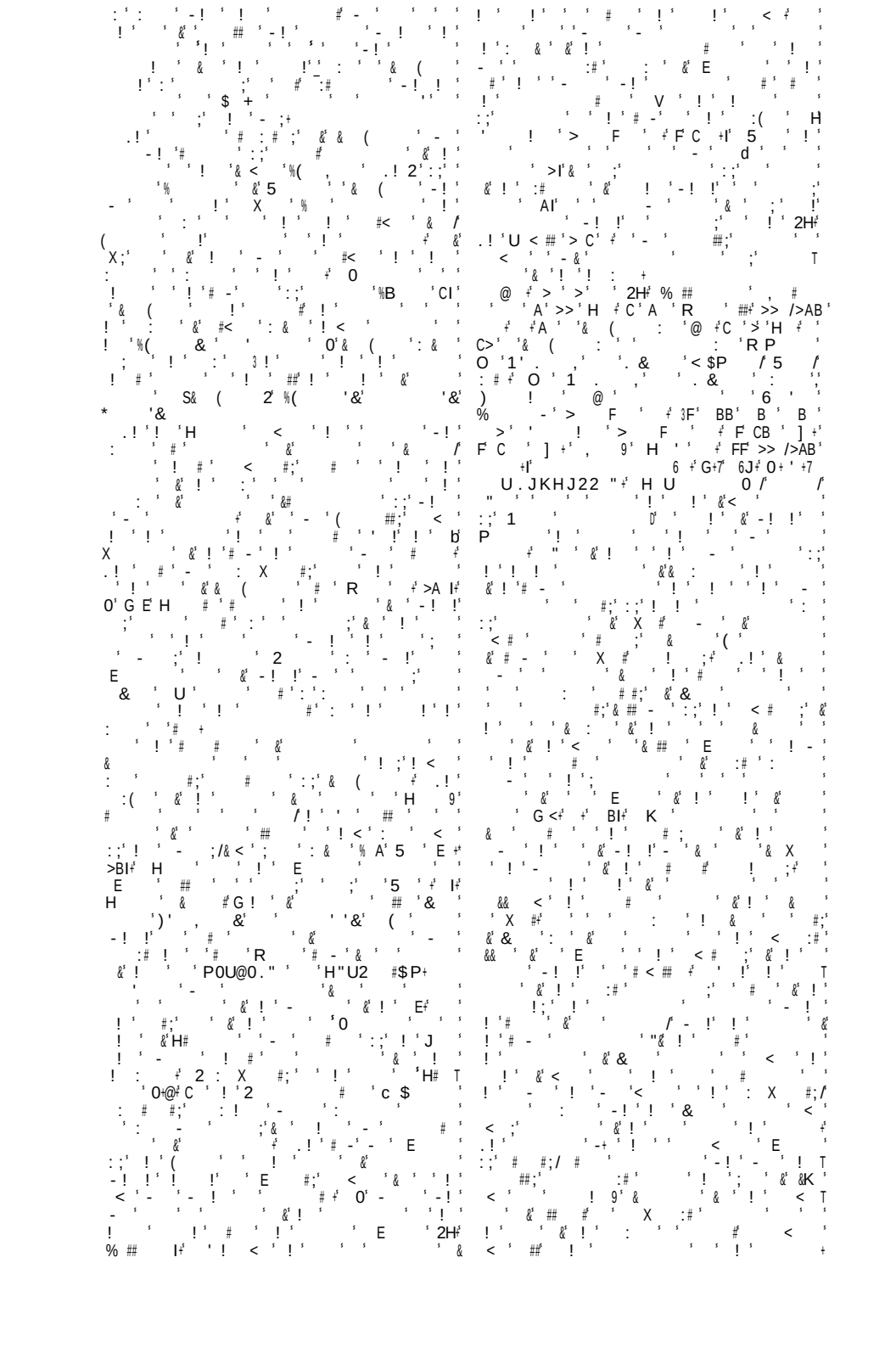

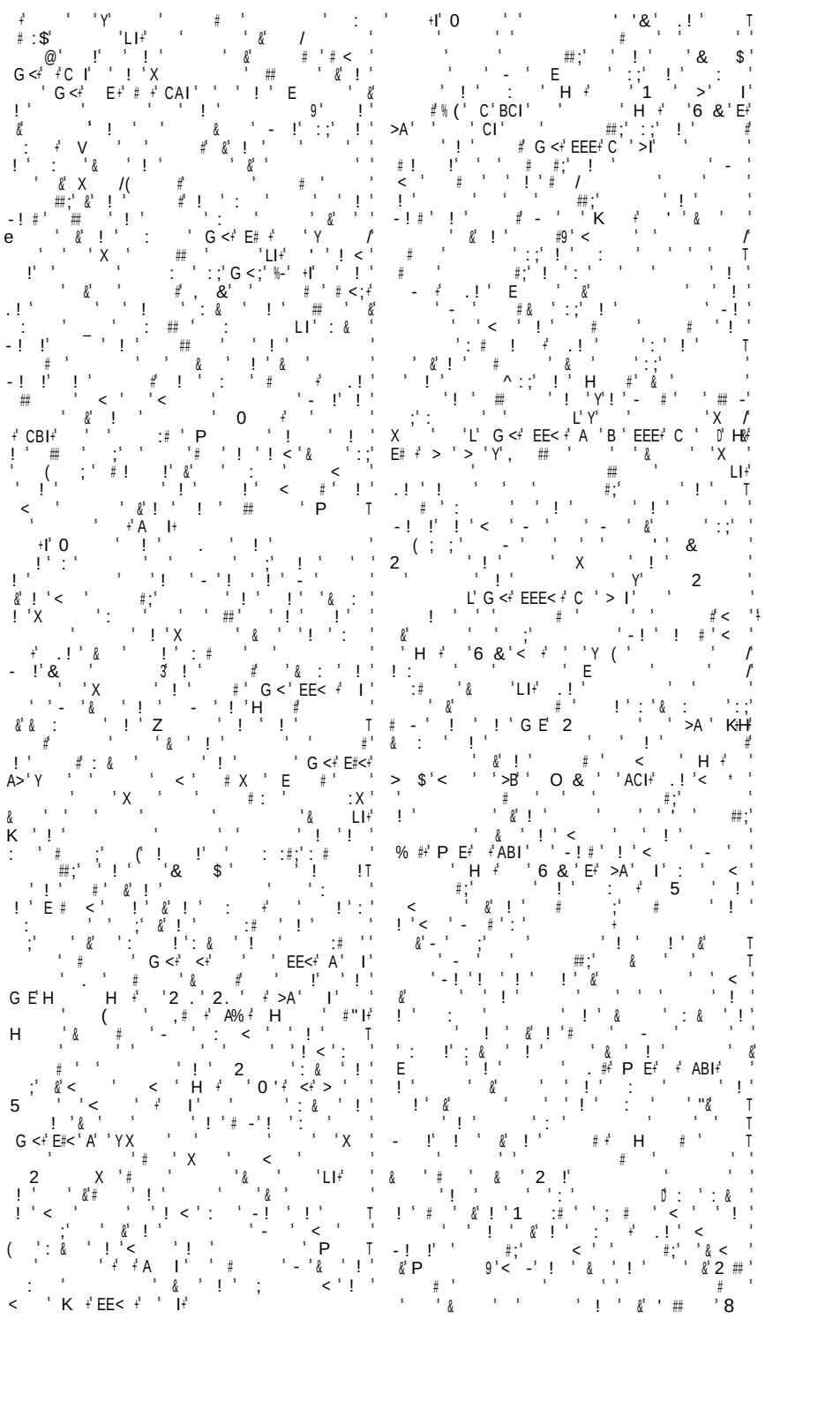

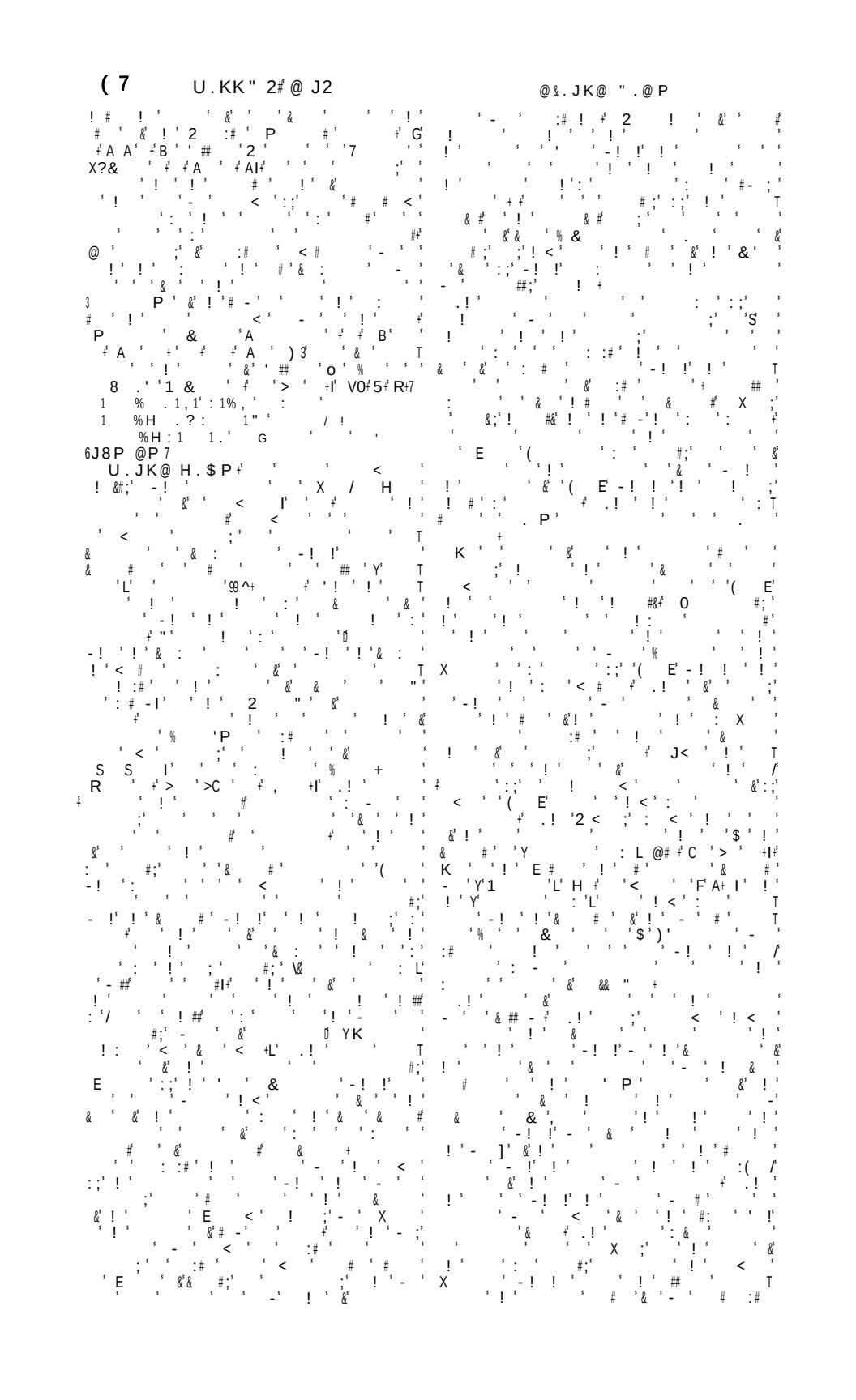

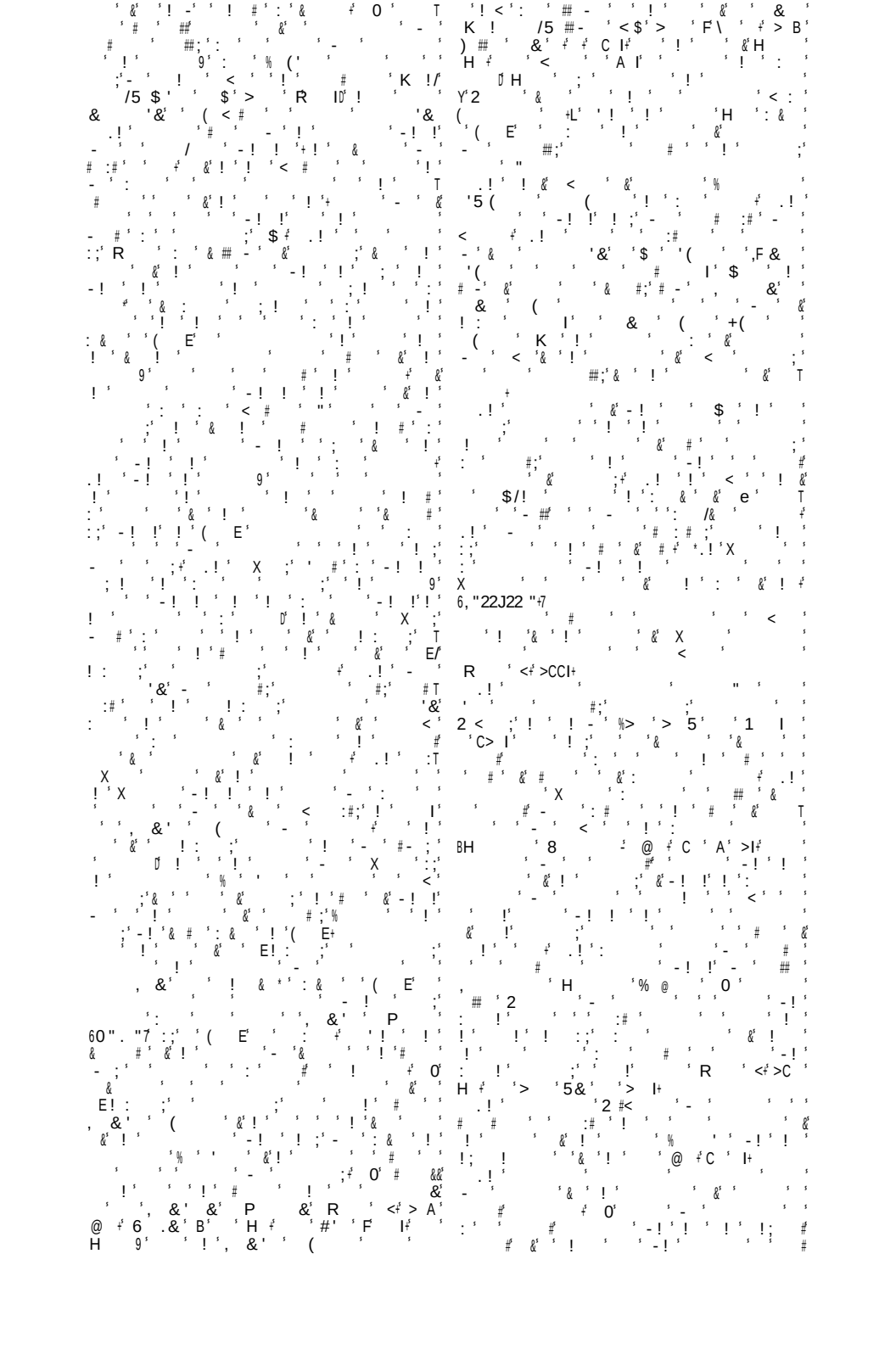

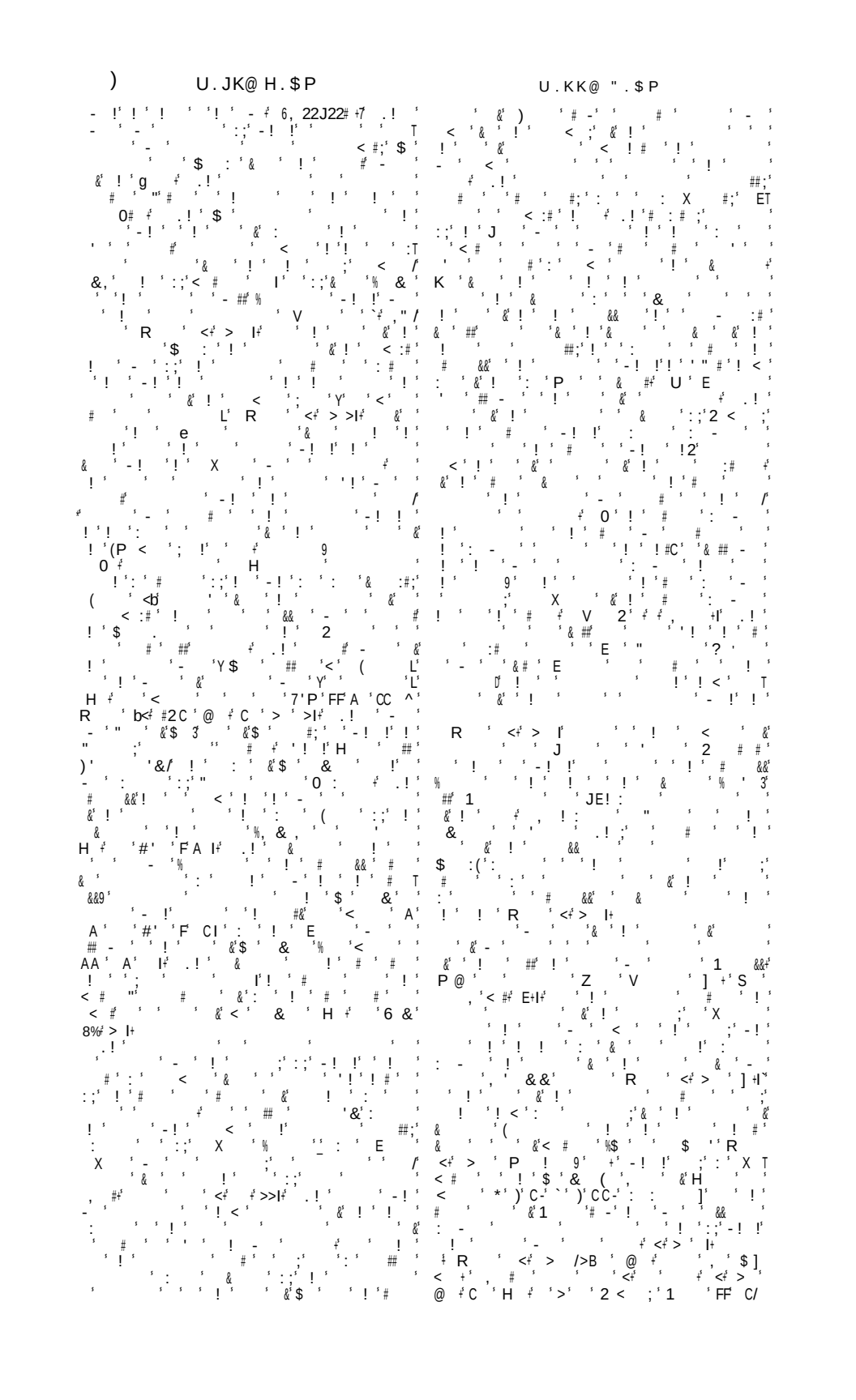

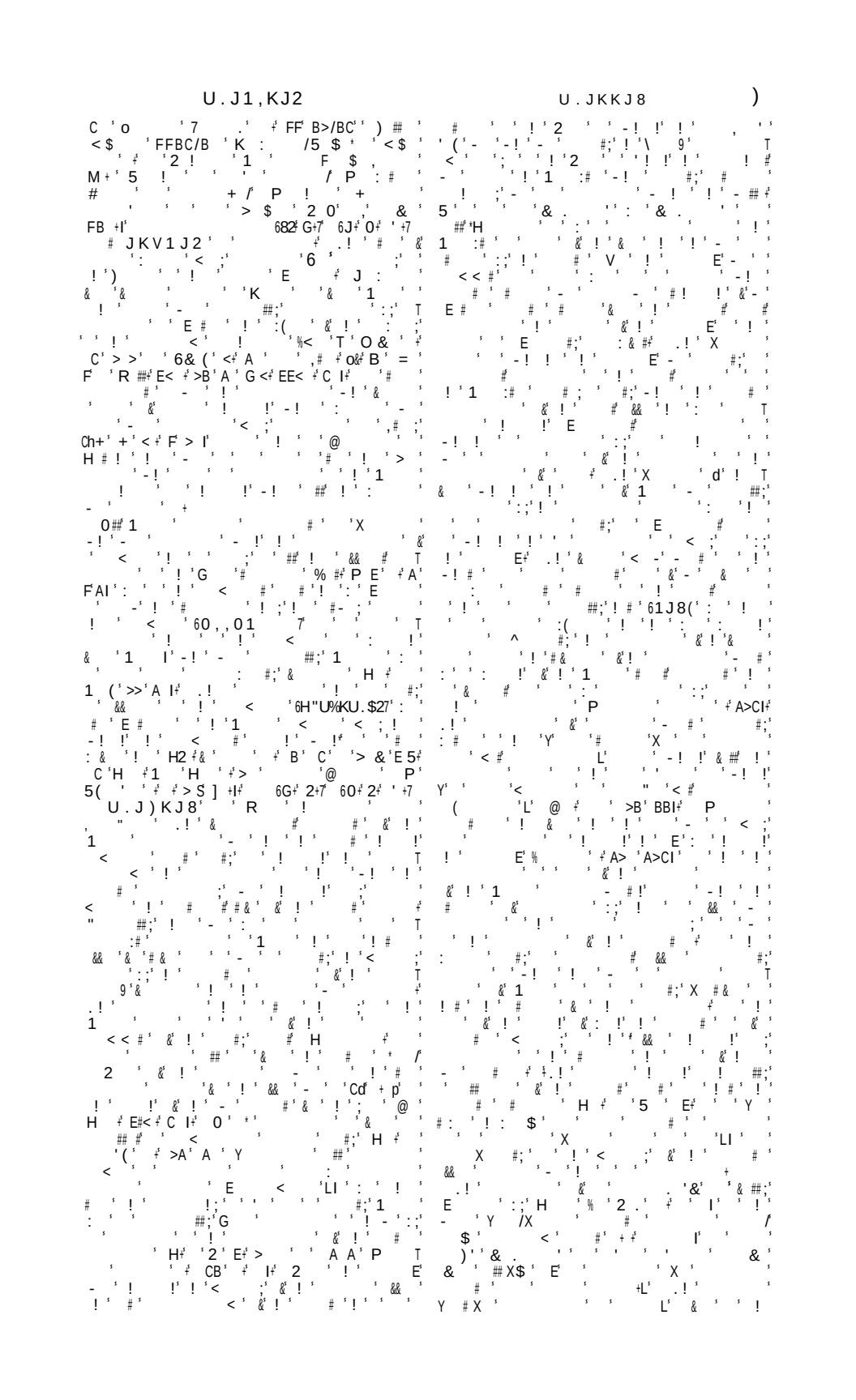

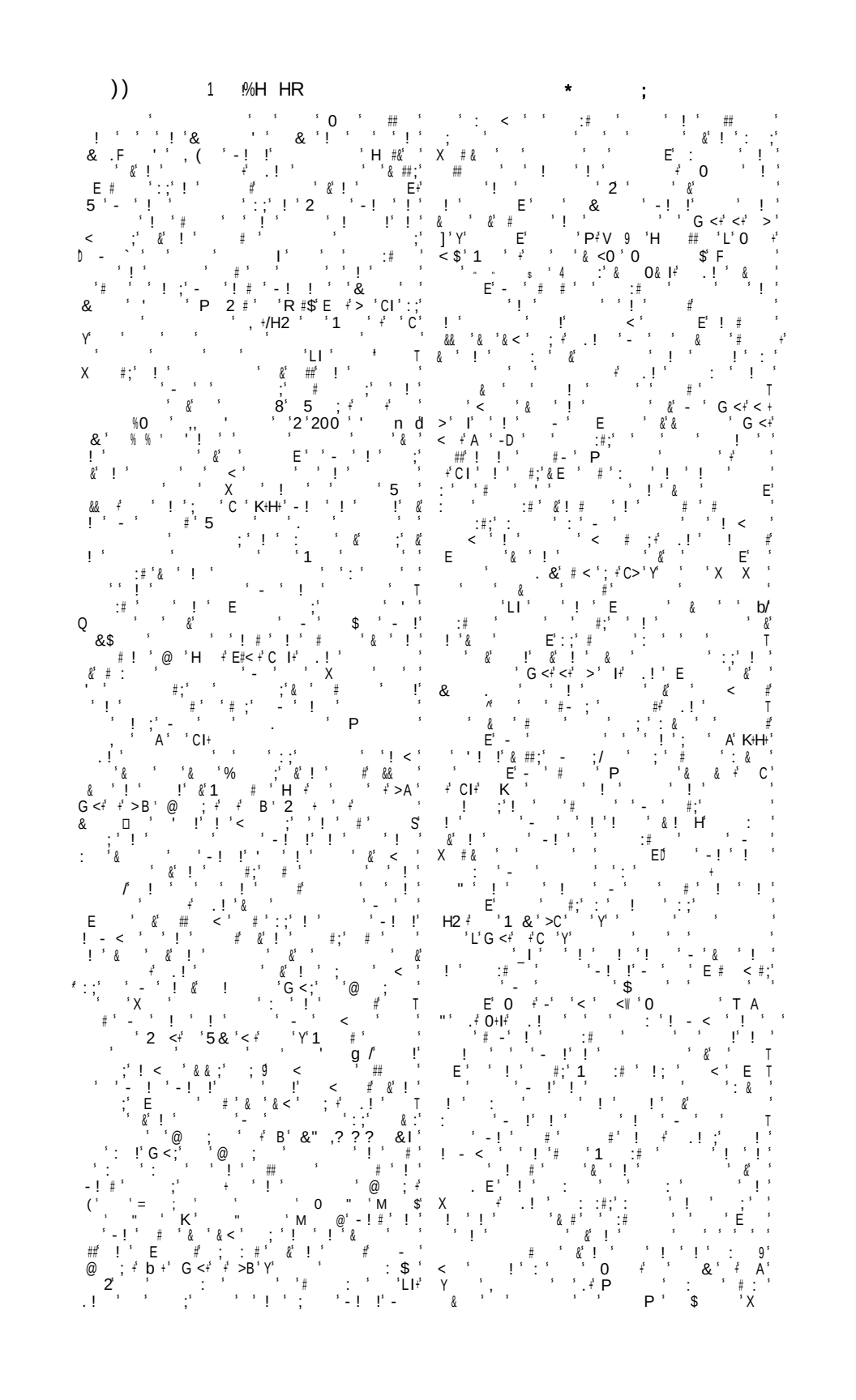

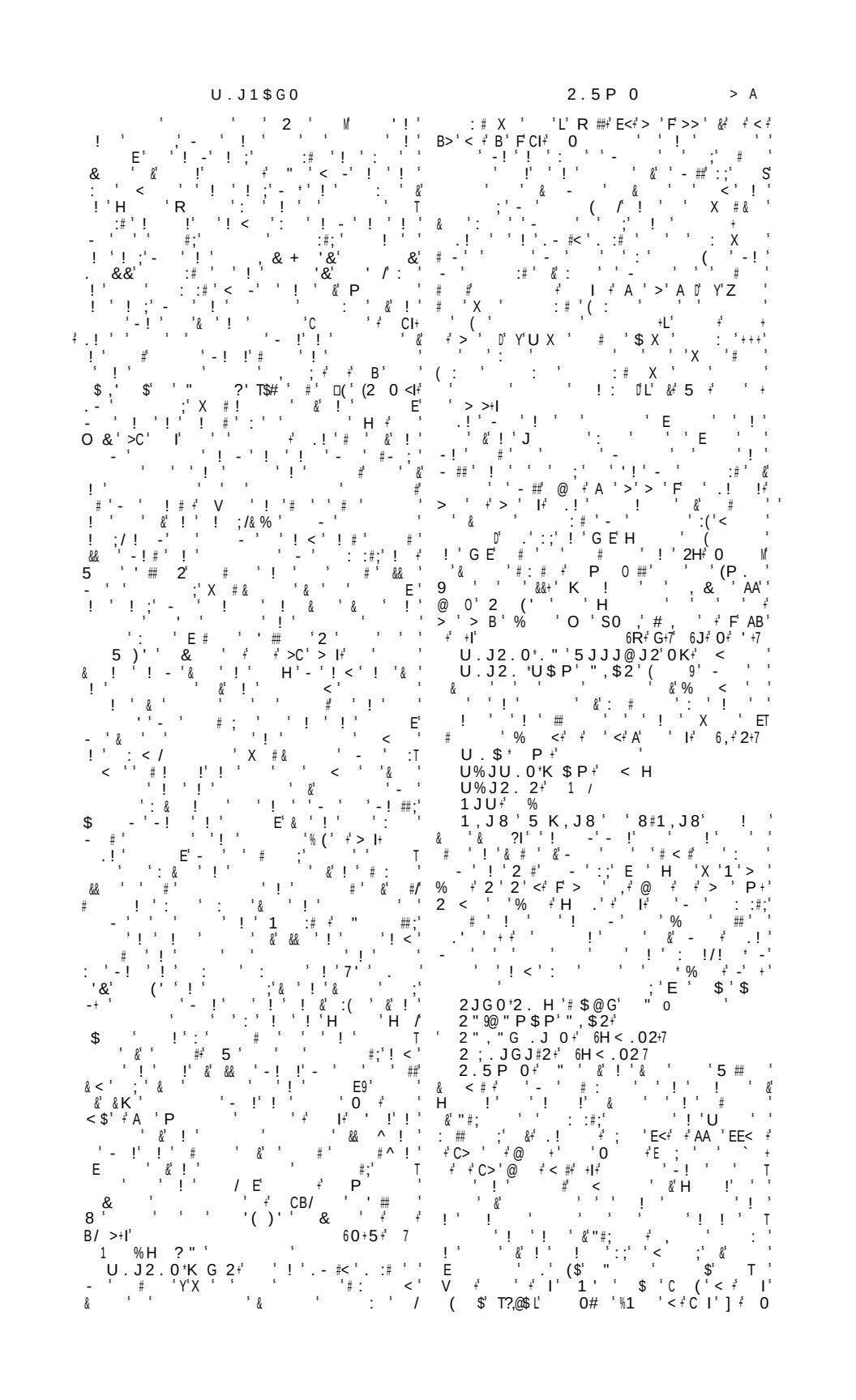

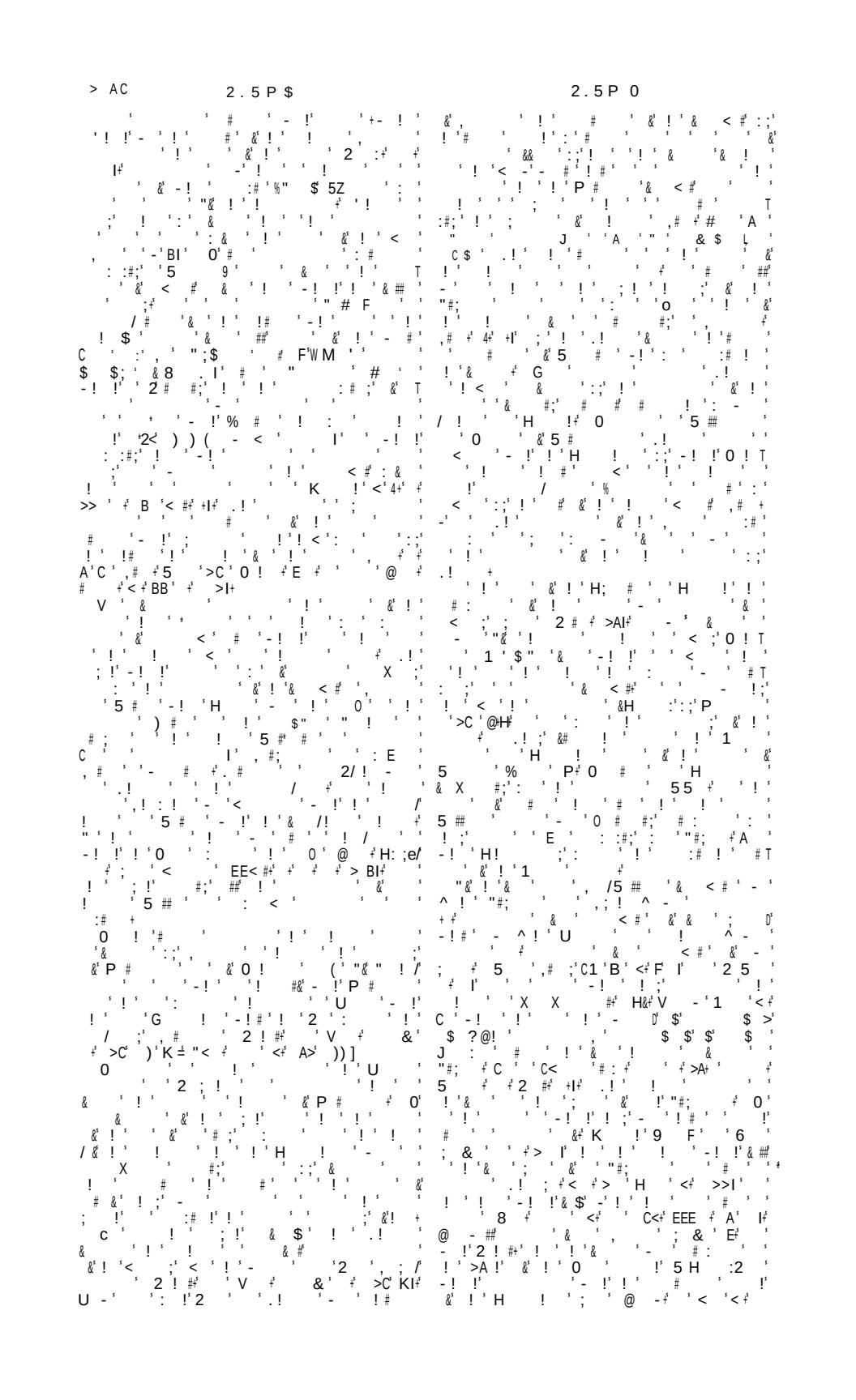

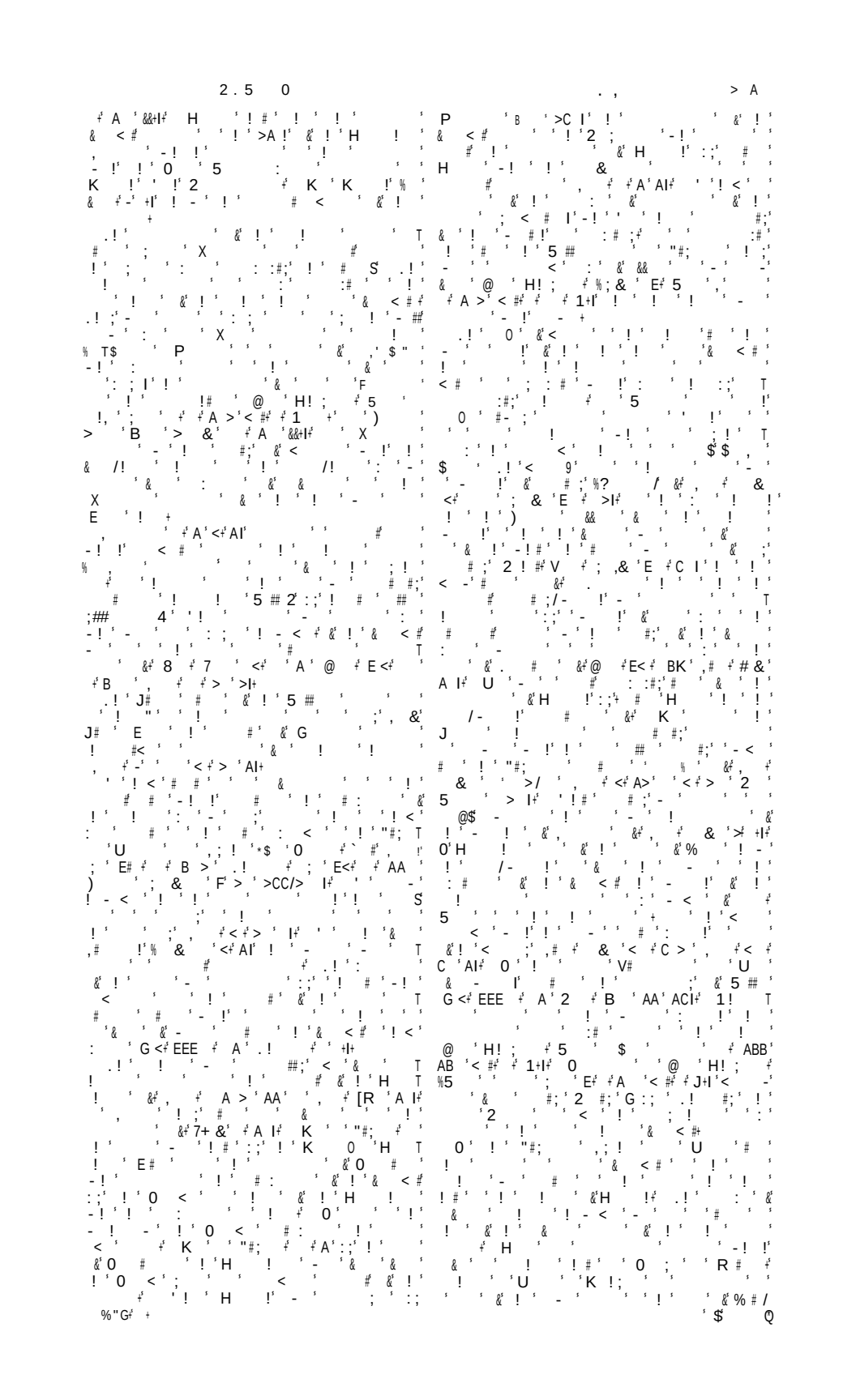

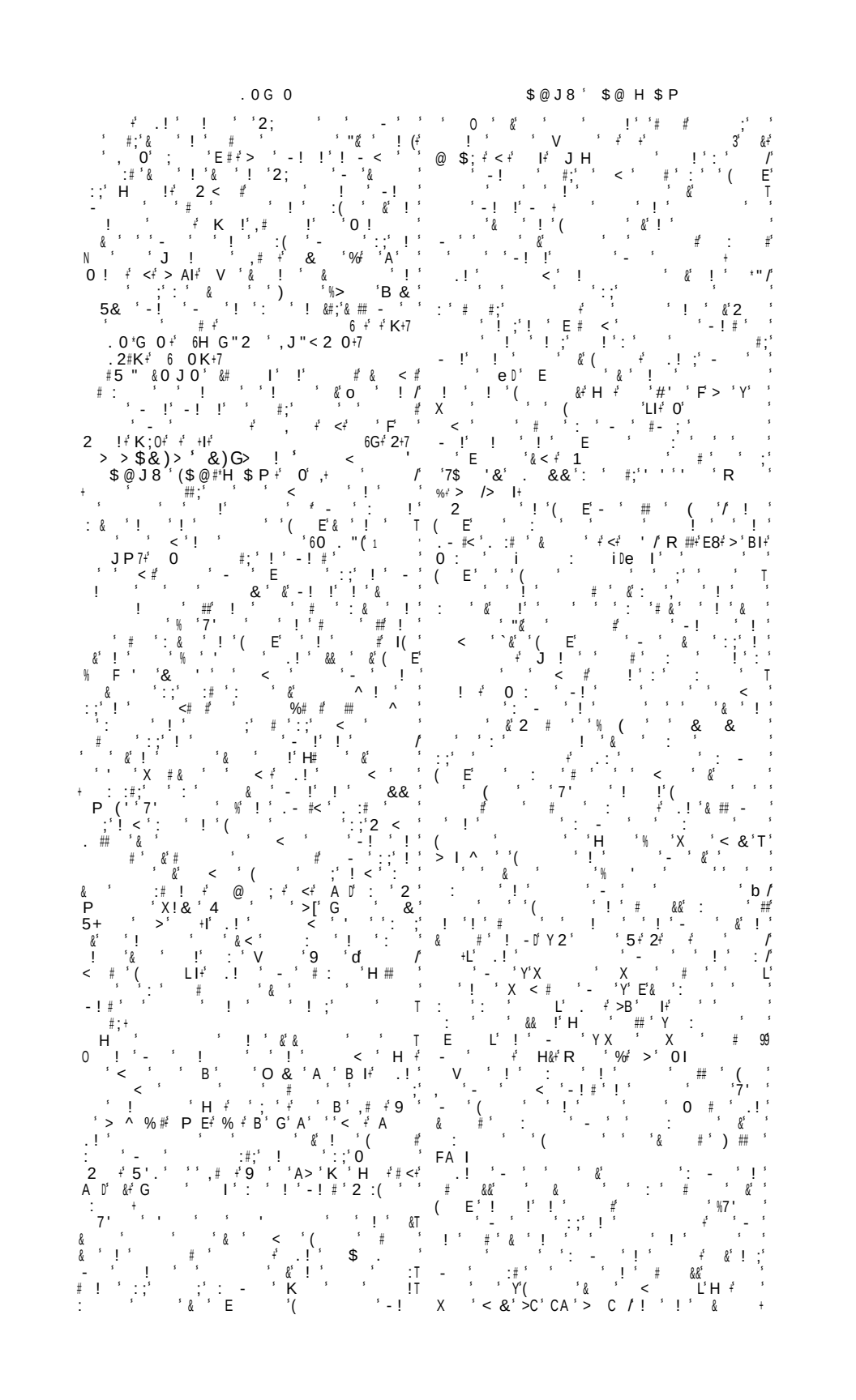

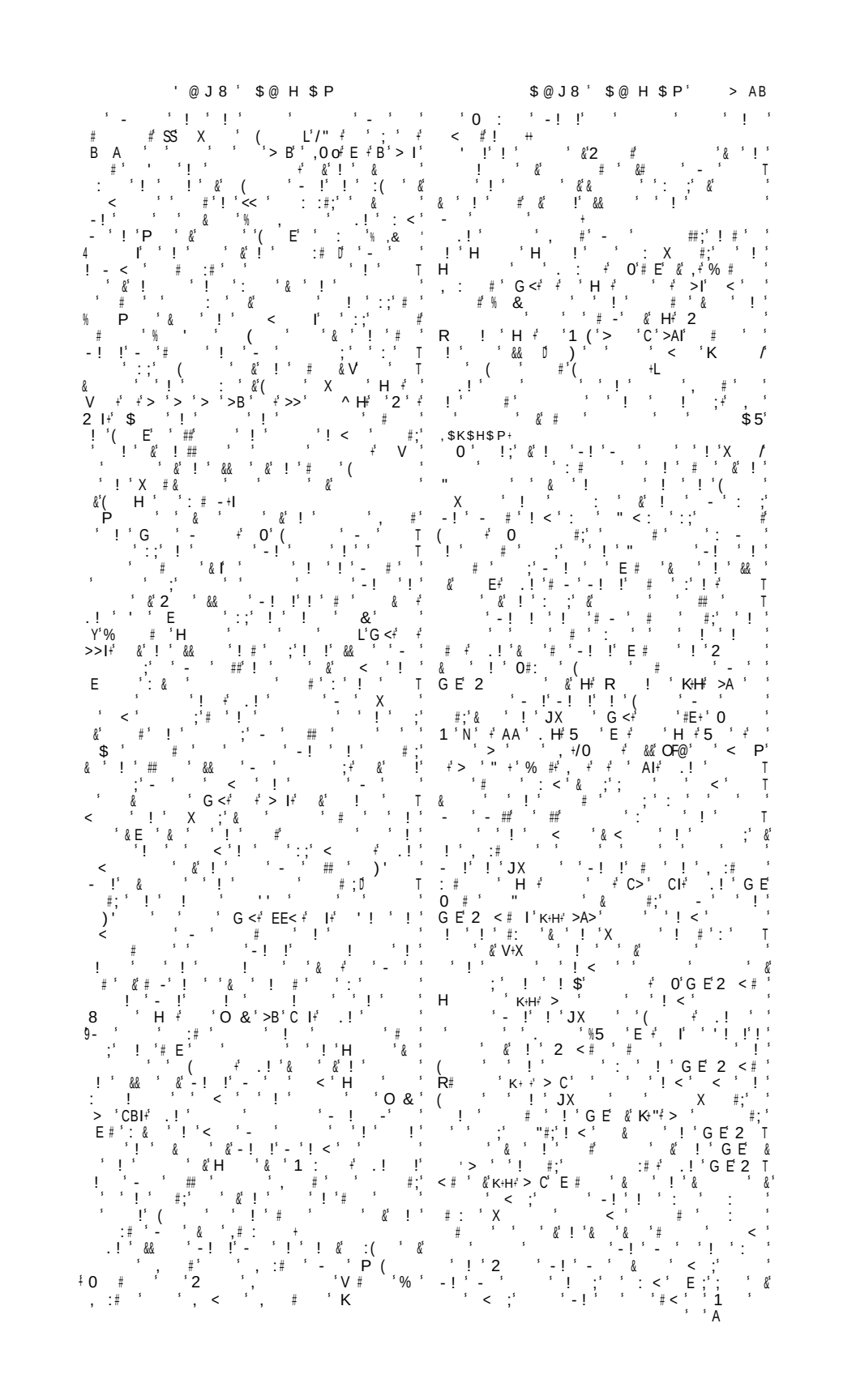

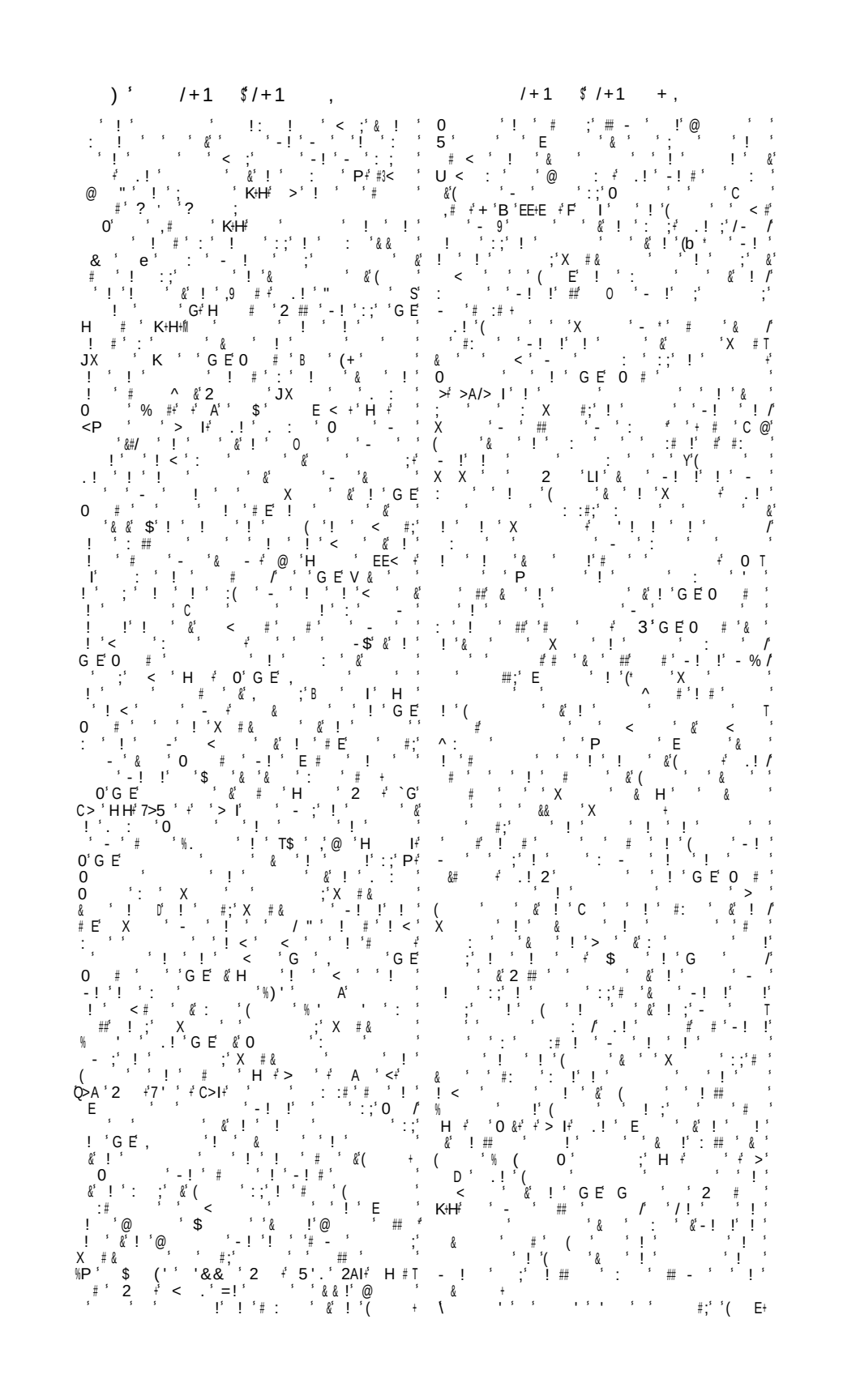

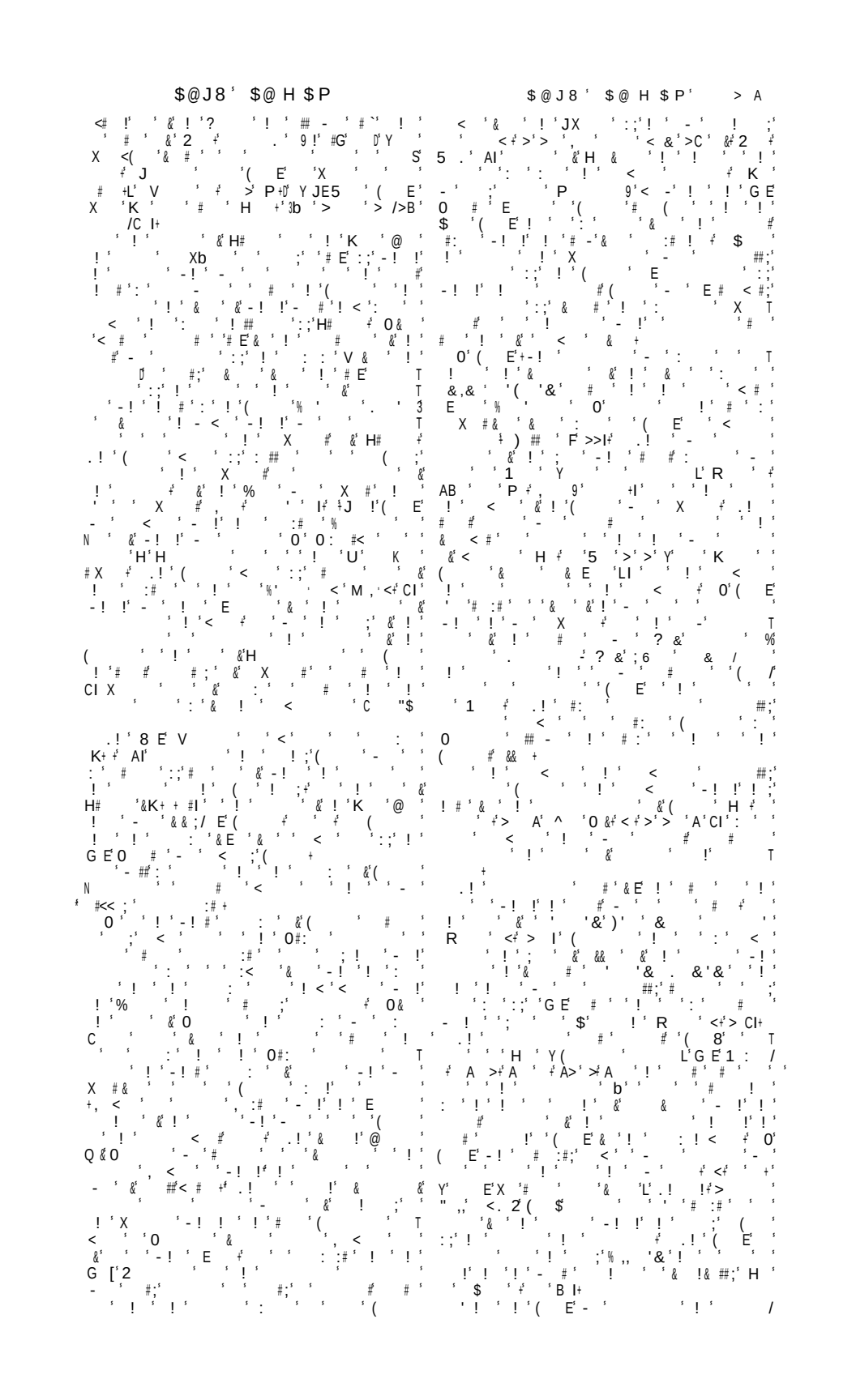

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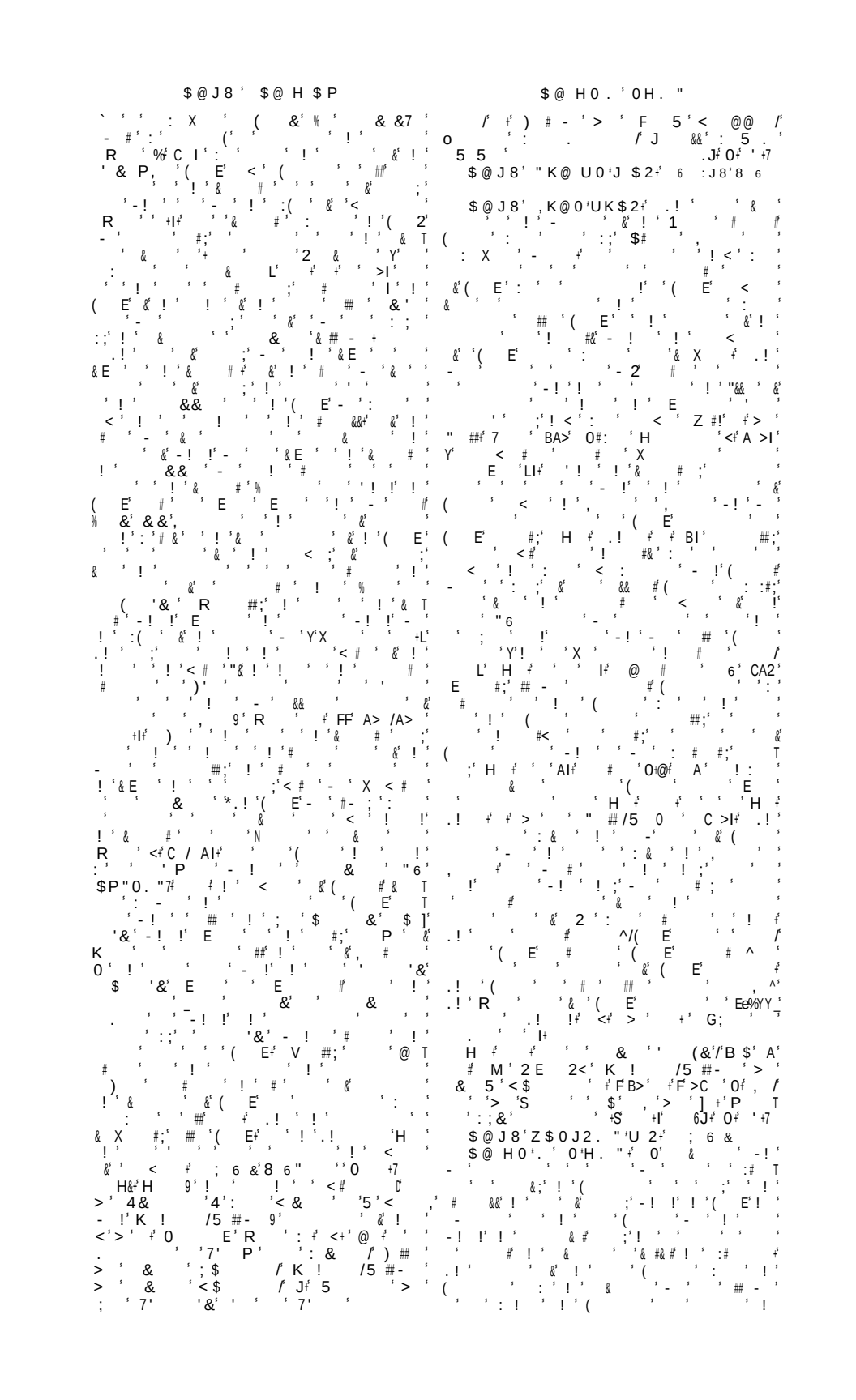

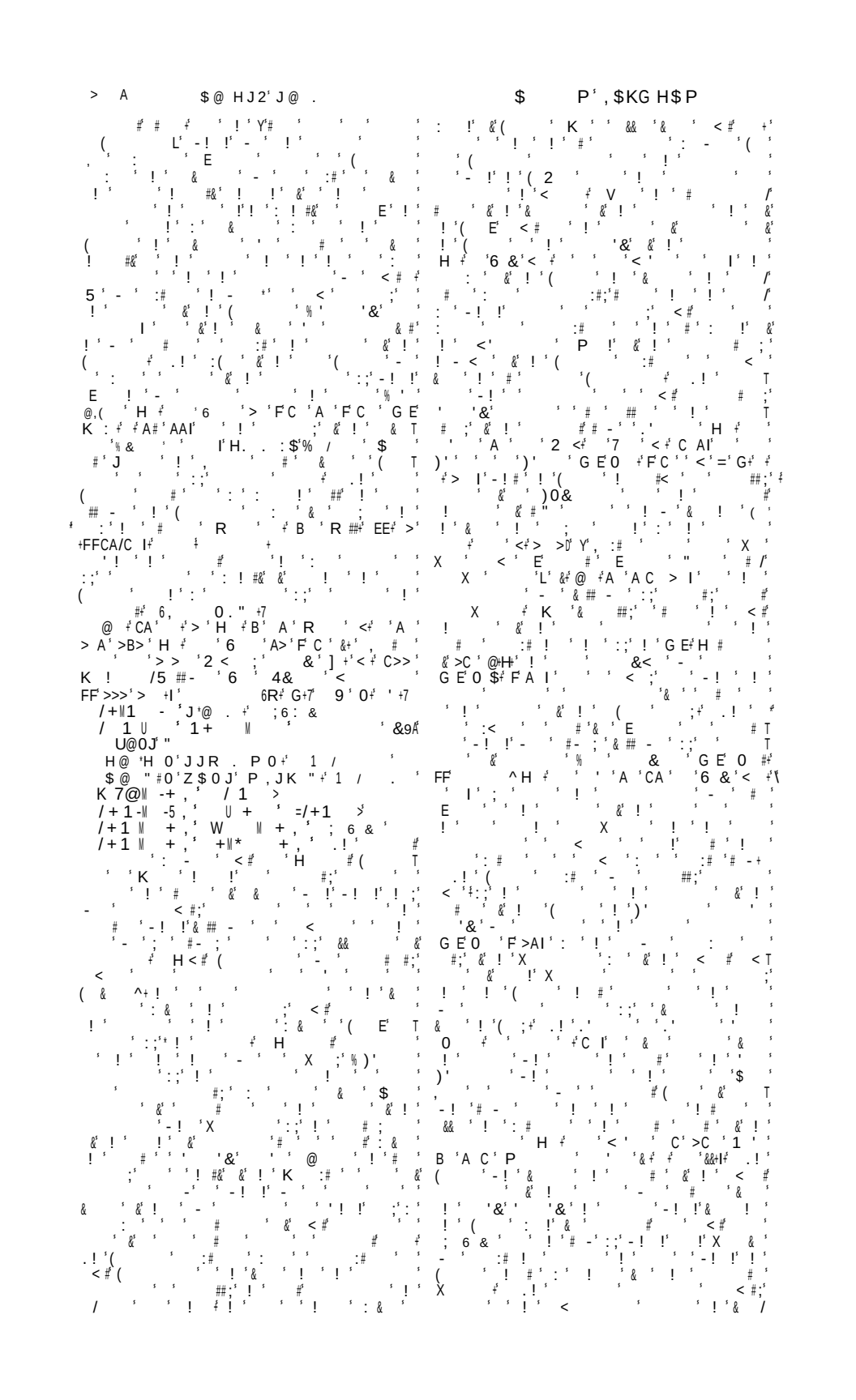

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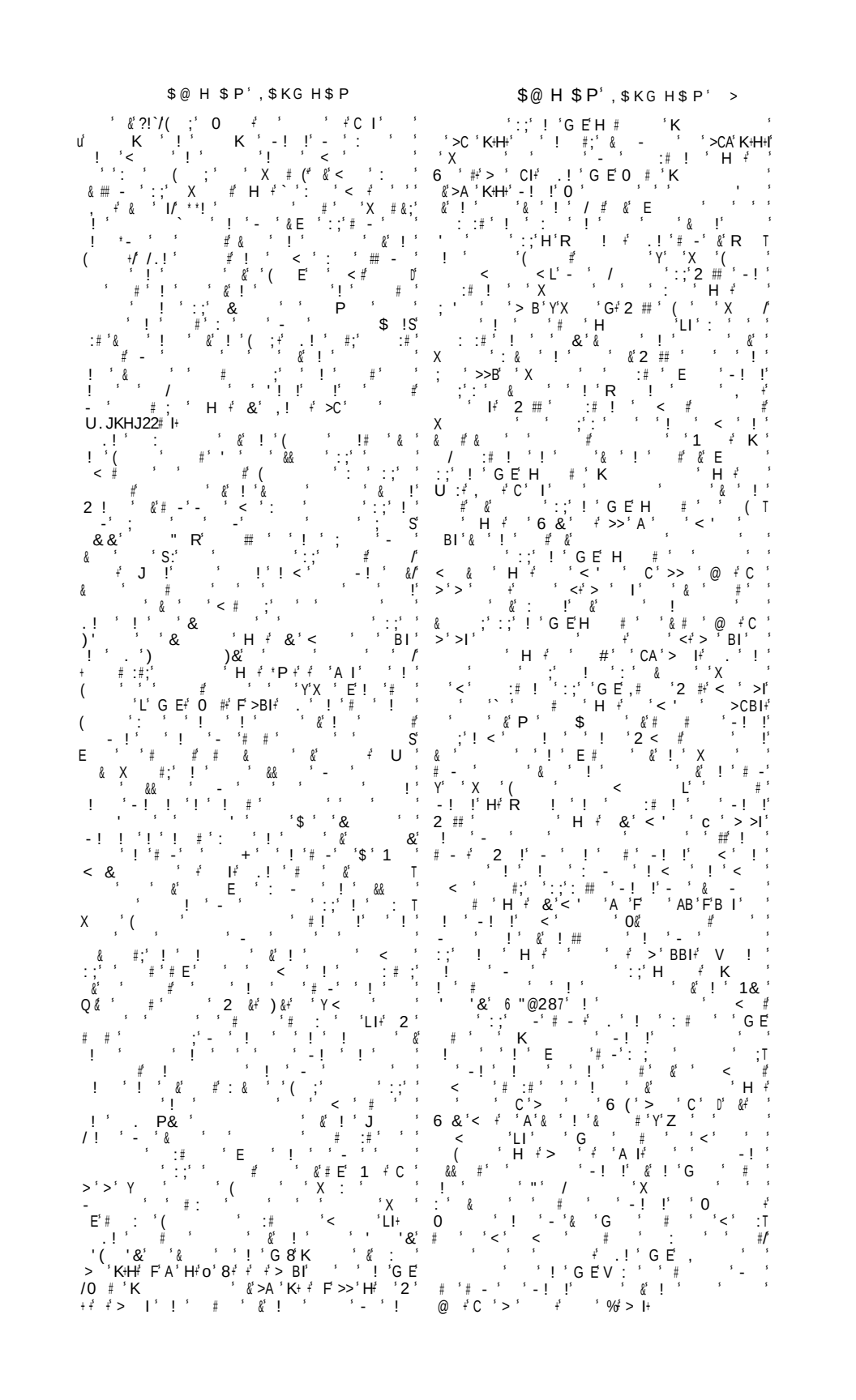

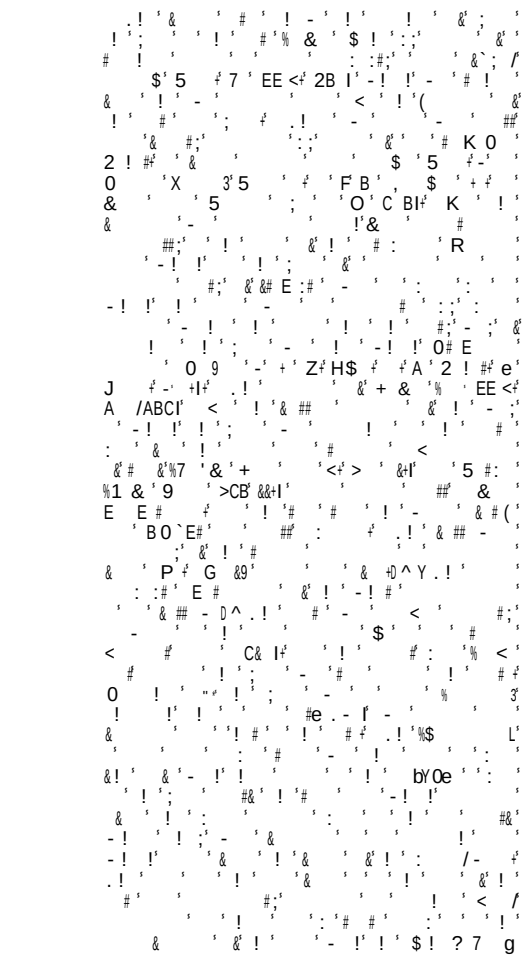

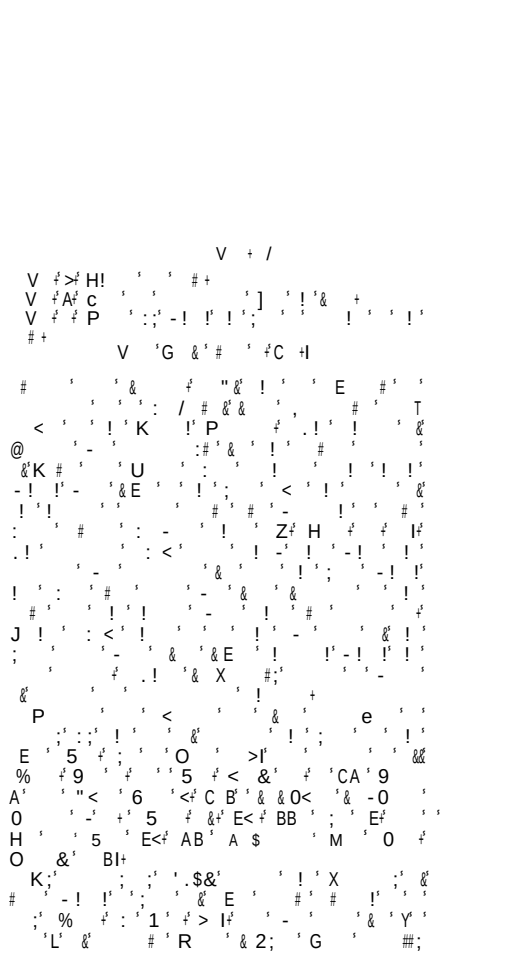

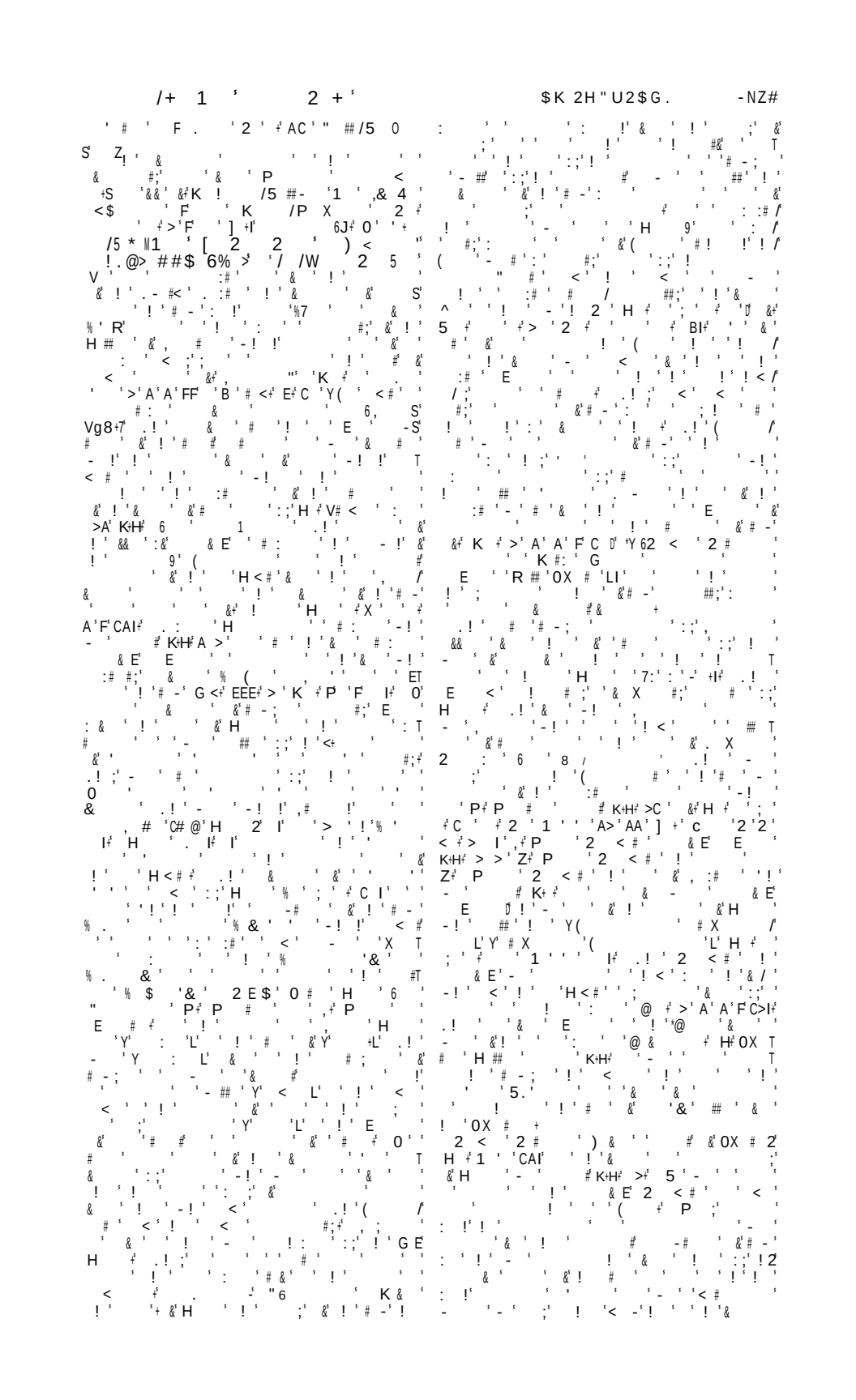

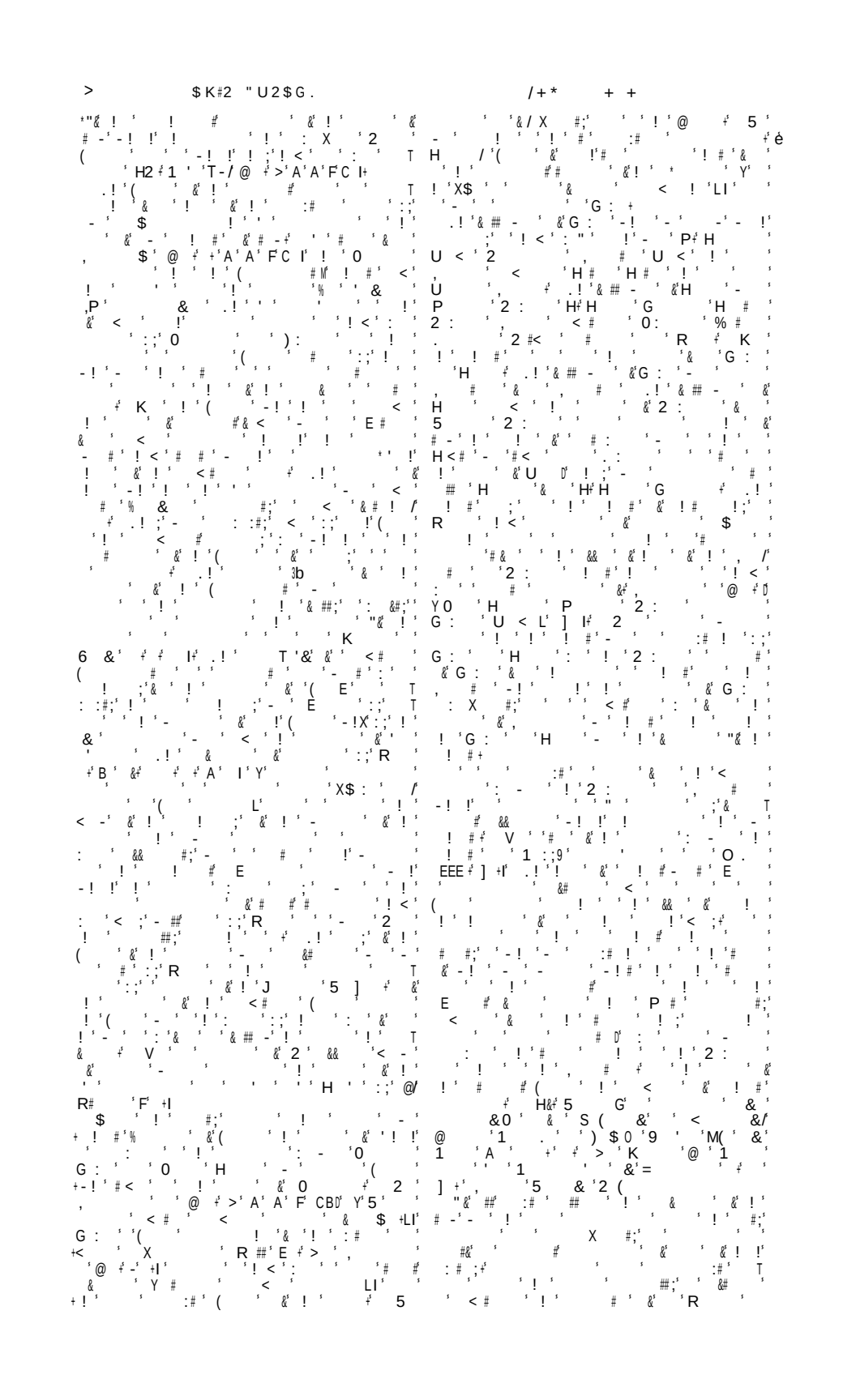

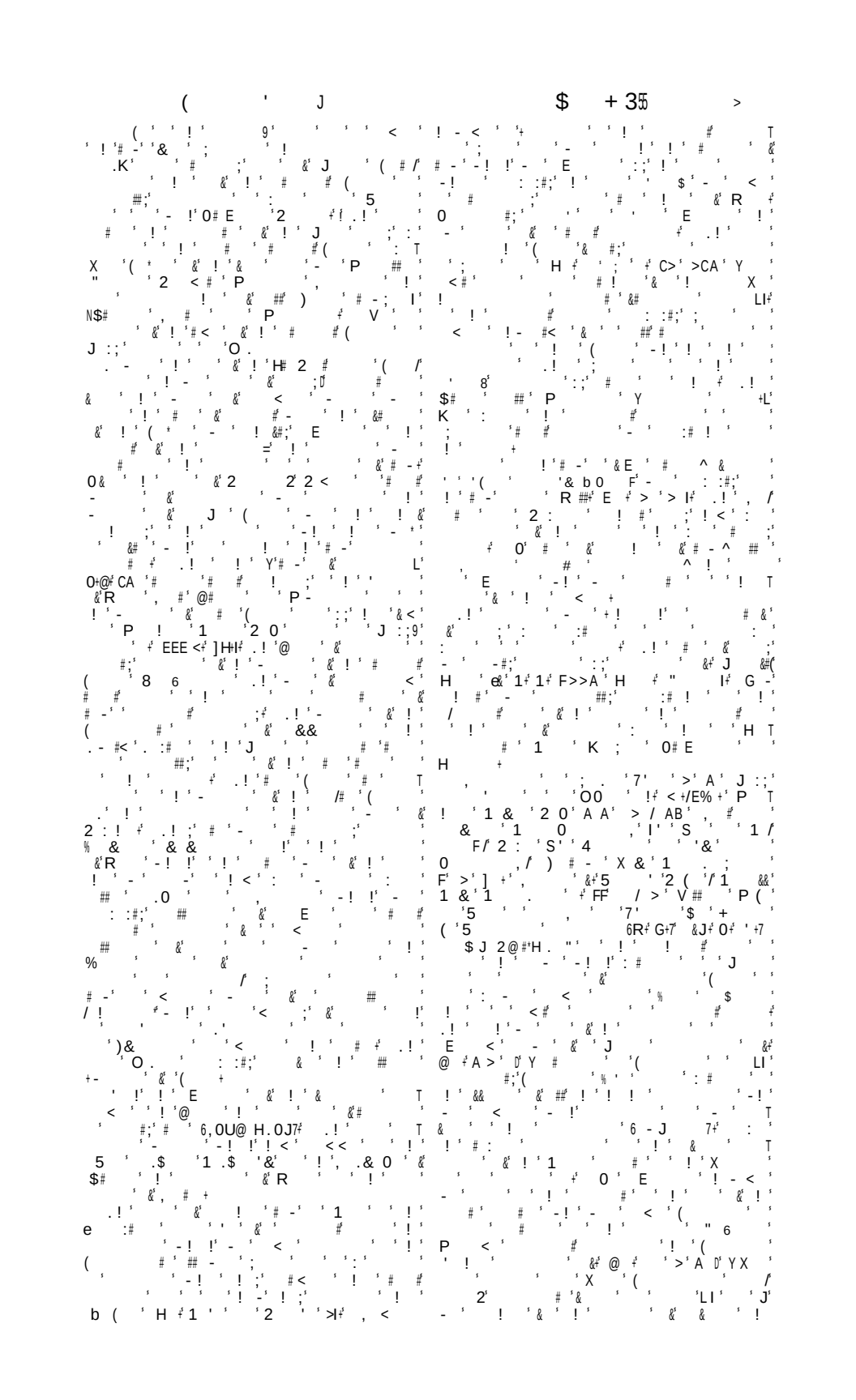

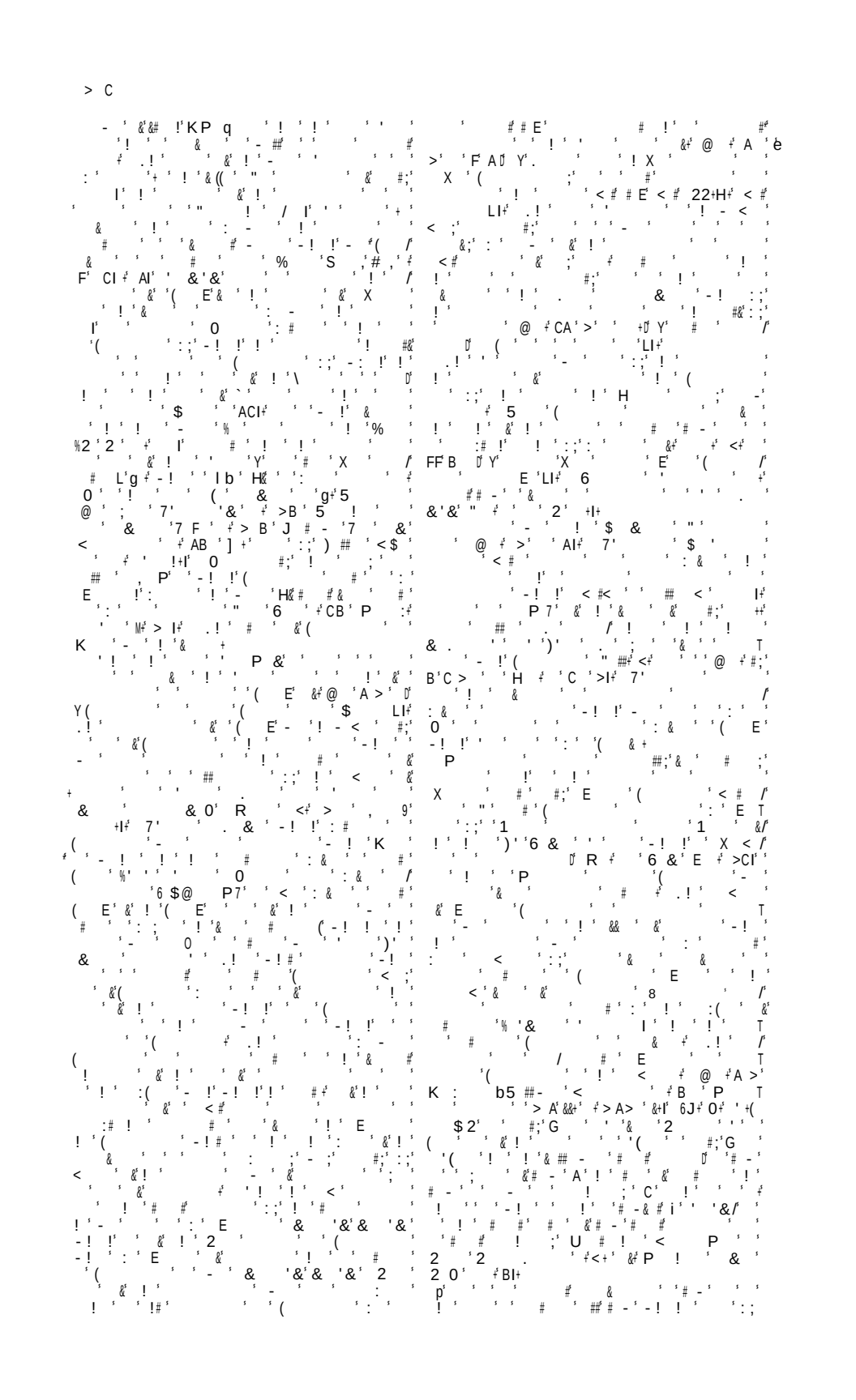

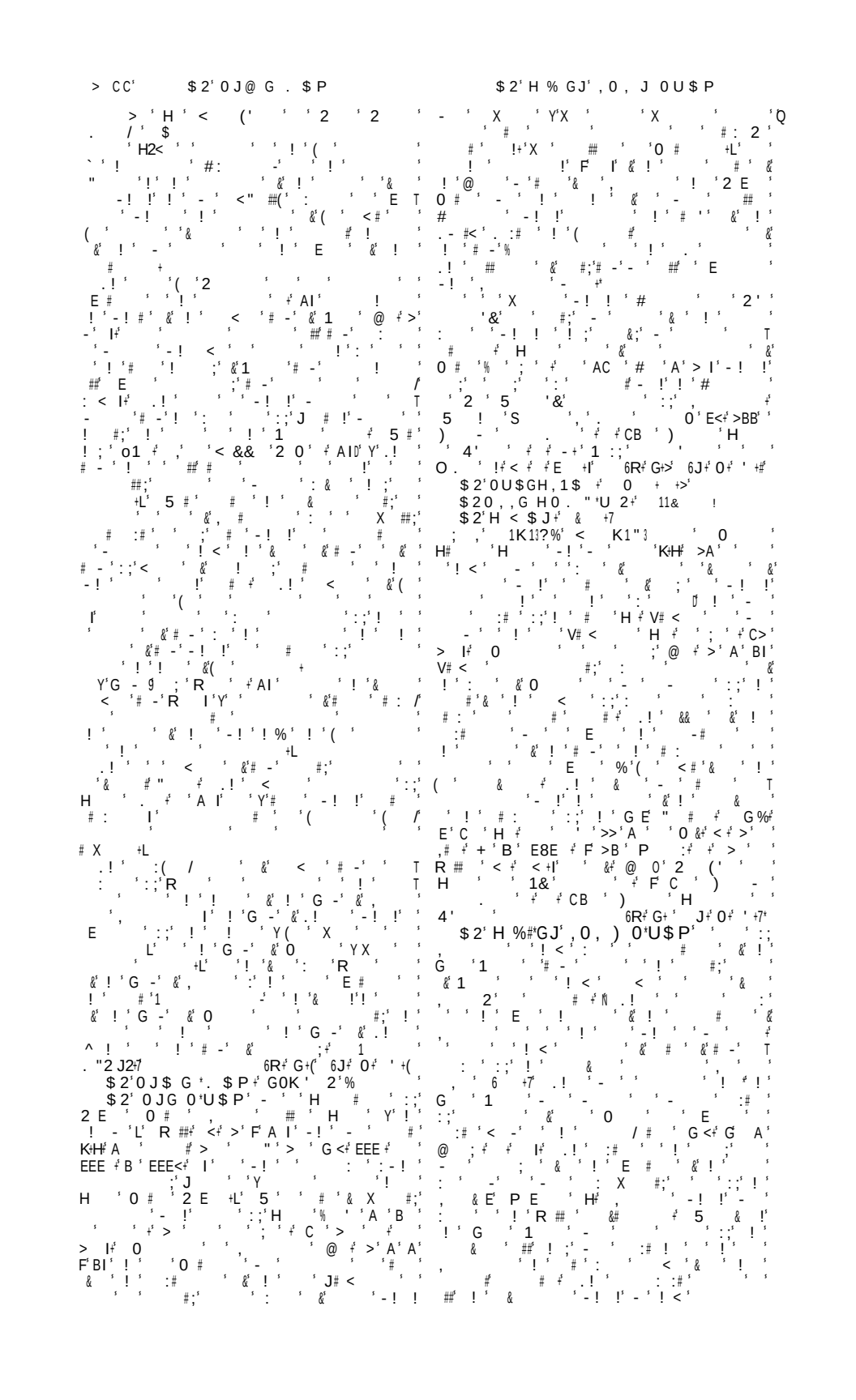

the authenticity of the Leges Regiae. Even the name of the compiler of the Jus Papirianum is not certain, as he is variously called Caius, Sextus, and Publius. There is no reference to such a compilation in Varro or Cicero. It was, however, commented on by Granius Flaccus in the time of Julius Caesar (Dig. 50, 16, 144), and from this time seems to have been regarded as a source of law respecting religious observances. The compilation was probably made by some private jurist at the end of the republic. (Mommsen, *Staatsr.* ii. 41–44 (ed. 1877); Karlowa, *Rechtsgesch.* i. 106; Voigt, *Die Leges Regiae*; Bruns, *Fontes*, § 1, &c.)

[G. L.] [E. A. W.]

JUS CIVITA'TIS. [CIVITAS.]

JUS COMME'RCII. [CIVITAS.]

JUS CONU'BII. [CIVITAS.]

JUS EDICENDI. [EDICTUM.]

JUS GENTILI'TIUM. [GENS.]

JUS GE'NTIUM. [JUS.]

JUS HONORA'RIUM. [EDICTUM.]

JUS HONO'RUM. [CIVITAS.]

JUS IMA'GINUM. [NOBILES.]

JUS ITA'LICUM. [COLONIA.]

JUS LA'TII. [CIVITAS.]

JUS LIBERO'RUM. [LEX JULIA; LEX PAPIA POPPAEA.]

JUS NATURA'LE. [JUS.]

JUS PONTIFI'CIUM. [JUS; PONTIFEX.]

JUS POSTLI'MINII. [POSTLIMINIUM.]

JUS PRAEDIATO'RUM. [PRAES.]

JUS PU'BLICUM, PRIVATUM. [JUS.]

JUS QUIRI'TIUM. [CIVITAS; JUS.]

JUS RELATIO'NIS. [SENATUS.]

JUS RESPONDENDI. [JURISCONSULTI.]

JUS SCRIPTUM. [JUS.]

JUS SUFFRA'GII. [CIVITAS.]

JUS, VOCA'TIO IN. [ACTIO.]

JUSJURANDUM (*ὅρκος*), an oath. **1.** GREEK. An oath is an appeal to some superior being, calling on him to bear witness that the swearer speaks the truth, or intends to perform the promise which he makes (*μετὰ θείας παραλήψεως*, Anaxim. *Ars Rhet.* 17; Clem. Alex. *Strom.* vii. 8). Hence the expression *ἵστω Ζεύς, θεὸς ἵστω*, and others of the same import, so frequently used in the taking of oaths (Soph. *Trach.* 399; *Ant.* 184; *Oed. Col.* 521;—St. Paul, *Ep. Galat.* i. 20). It is obvious that such an appeal implies a belief not only in the existence of the being so called upon, but also in his power and inclination to punish the false swearer; and the force of an oath is founded on this belief.

1. By whom did the Greeks swear? Sometimes all the gods were invoked: *ὀμνύω τοὺς θεοὺς καὶ τὰς θεὰς ἅπαντας καὶ ἁπάσας* (Dem. *c. Conon.* p. 1269, § 41), *πρὸς θεῶν Ὀλυμπίων* (Lys. *c. Agorat.* § 95, *de bon. Aristoph.* §§ 33, 54; Isae. *Philoct.* § 58), *μὰ τοὺς θεούς* ([Lys.] *Accus. adv. Famil.* § 18), *πρὸς θεῶν καὶ δαιμόνων* (Isae. *Menecl.* § 47), *ὦ Ζεῦ καὶ θεοὶ πάντες* (Antiph. *Sup. Chor.* § 40; Dem. *F. L.* p. 345, § 16), *ὦ γῆ καὶ θεοί* (Dem. *c. Boeot.* i. p. 1000, § 21). At other times the occasion suggested a special deity: thus, Iphigeneia the priestess swore by Artemis (Eur. *Iph. Taur.* 728); Menelaus bids Antilochus swear by Poseidon (the equestrian god), the subject being on horses (*Il.* xxiii. 584; cf. Aristoph. *Nub.* 83): cf. *νὴ τὸν Δία τὸν Ὀλύμπιον καὶ τὸν Ἀπόλλω* (Aeschin. *c. Tim.* § 83; Isae. *Philoct.* § 61), *μὰ τὸν Δία τὸν Ὀλύμπιον* (Aeschin. *c. Tim.* § 55), *μὰ τὸν Δία* ([Lys.] *c. Andoc.* §§ 7, 32, 38), *μὰ Ἀπόλλωνα* (*Il.* i. 86; see Lys. *c. Theomn.* i. § 17), Helios (Eur. *Herc. Fur.* 857), *νὴ τὴν Ἥραν* (Plat. *Phaedr.* p. 230 B), *νὴ τὴν Ἀθηνᾶν* (Lyc. *c. Leocr.* § 75), *νὴ τὴν Δήμητρα* (Dem. *F. L.* p. 425, § 262; *Olynth.* iii. p. 37, § 32), etc. Women too had their favourite oaths: *μὰ τὼ θεώ*, *i.e.* Demeter and Persephone (Aristoph. *Eccles.* 156), *νὴ τὴν Ἀφροδίτην* (Aristoph. *Eccles.* 189 ff.: cf. Plat. *Symp.* p. 183 B, *ἀφροδίσιον ὅρκον οὗ φασιν εἶναι*), etc. The Lacedaemonians swore by Castor and Pollux (*ναὶ τὼ σιώ*, Xen. *Hell.* iv. 4, 10; Plut. *Mor.* p. 189 F; Aristoph. *Lys.* 148), the Boeotians by Hercules and Iolaus (Aristoph. *Acharn.* 860, 867), the Corinthians by Poseidon (Aristoph. *Eq.* 609, etc.), the Athenians principally by three deities (so Draco ordained, *Schol. Venet. B.* on *Il.* xv. 36; cf. Pollux, viii. 142, *τρεῖς θεοὺς ὀμνύναι κελεύει Σόλων*), viz. Zeus, Poseidon, and Athena (*Schol. Venet.* l. c.), or Zeus, Poseidon, and Demeter (decree of the deme Aexone in *Mitth. d. a. Inst. Ath.* iv. p. 201; Dem. *c. Timocr.* p. 747, § 151, *jusjurandum*, and *Schol. Venet.* l. c.), or Zeus, Apollo, and Demeter (Dem. *c. Callipp.* p. 1237, § 9; Aristoph. *Eq.* 941; *C. I. A.* i. No. 9, ii. No. 578; Pollux, viii. 122; Schol. Aeschin. *c. Tim.* § 114), or Zeus, Apollo, and Athene (Dem. *c. Mid.* p. 578, § 198); see also Plat. *de Legg.* xi. p. 936 E; Aesch. *Sept.* 42 ff. But the Greeks also swore by whatever was dear and sacred to them: Achilles swears by his sceptre (*Il.* i. 234), Telemachus by the sorrows of his father (*μὰ Ζῆν' . . . καὶ ἄλγεα πατρὸς ἐμοῖο*, *Od.* xx. 339), Helena to her husband by his head (Eur. *Hel.* 835; cf. *Hippol.* 605), friends to one another by their friendship (Xen. *Cyrop.* vi. 4, 6), warriors by their weapons (Eur. *Phoen.* 1677), Demosthenes by the ancestors who fought at Marathon, etc. (*de Cor.* p. 297, § 208; cf. [Longin.] *de Sublim.* 16), the disciples of Pythagoras by their master (Plut. *Mor.* p. 877 A), etc. The god, however, by whom the most solemn oaths were sworn, was Zeus (*ὅρκιος*, Soph. *Philoct.* 1324, *Trachin.* 1188; Eur. *Hippol.* 1025, *Med.* 208; Apoll. Rhod. 4, 95; *ὃς ὅρκων θνητοῖς ταμίας νενόμισται*, Eur. *Med.* 171); by his head (*Hymn. in Mercur.* 274), or by the Styx (the most terrible oath the gods swear, *Il.* xv. 36 ff., *Od.* v. 184 ff.). Zeus punishes the violation of oaths (Aristoph. *Nub.* 397; cf. Paus. v. 24, 2), and Dike is seated by his side (*ξύνεδρος Ζηνός*, Soph. *Oed. C.* 1381; [Dem.] *c. Aristog.* i. p. 772, § 11). The poets frequently allude to the punishment of perjury after death (*Il.* xix. 260, iii. 279; Pind. *Ol.* 2, 71; cf. Aristoph. *Ran.* 275), and we find many proofs of a persuasion that perjurers would not prosper in this world (Lyc. *c. Leocr.* § 79; Polyb. iv. 33, 3; Hesiod, *Op. et Dies*, 285, etc.). One of the most striking is the story told by Leotychides to the Athenians, of Glaucus the Spartan, who consulted the Pythian oracle whether he should restore a deposit, or deny on oath that he had ever received it; and who, for merely deliberating upon such a question, was cut off with his whole family (Herod. vi. 86; cf. Theogn. 199 ff.; Juv. *Sat.* xiii. 199 ff.).

2. As to the customs observed in taking an oath. Anciently the prince who took an oath stood up (*Il.* xix. 175), raised his sceptre (*Il.*

vii. 412; x. 231, etc.), and lifted up his eyes and hands to heaven, as he would in prayer (*Il.* xix. 257; Pind. *Ol.* 7, 65); for an oath was a species of prayer, and required the same sort of ceremony. Oaths were accompanied with sacrifice and libation; the victims (Plut. *Pyrrh.* 6) on such occasions were not eaten (Paus. v. 24, 2), but either buried in the ground or thrown into the sea (Schol. to *Il.* iii. 310; xix. 268), and the wine used was undiluted (*Il.* iii. 269 and Schol.; ἄκρητοι σπονδαί, *Il.* iv. 159 and Schol.: cf. Spengel, *Herm.* 1880, p. 330). Those who swore laid their hands on the victims (προσλαβοῦ μοι τοῦ κάπρου, Aristoph. *Lysistr.* 202; ὀμνύναι καθ' ἱερῶν, Isae. *Apollod.* § 28; Dem. *c. Eubul.* p. 1306, § 26; [Dem.] *c. Neaer.* p. 1365, § 60, etc.; Suid. *s. v.* βοῦς ὁ Μολοττῶν: Bernhardy, p. 1027), or on the altar (λαβόμενος τοῦ βωμοῦ, Andoc. *Myst.* § 126; πρὸς τὸν λίθον ἄγοντες, Dem. *c. Conon.* p. 1265, § 26, and Harpocr. *s. v.* λίθος: cf. also Pericles' saying, μέχρι τοῦ βωμοῦ φίλος εἰμί, Plut. *Mor.* p. 186 C; Gellius, *N. A.* i. 3, 20), or on the heads of their children (κατὰ παίδων, Dem. *c. Conon.* p. 1270, § 40; *c. Aphob.* iii. p. 852, § 26; Lys. *c. Diogit.* § 13), pronouncing a solemn form of imprecation (Lys. *c. Eratosth.* § 10; Dem. *c. Conon.* p. 1270, § 41; Aeschin. *c. Tim.* § 114; Aristoph. *Eq.* 660). The alliance between Hercules and the sons of Neleus is confirmed by oath, ἐπὶ τομίων κάπρου (Paus. iv. 15, 4; see iii. 20, 9, ἐπὶ τοῦ ἵππου τῶν τομίων: cf. Aristoph. *Lysistr.* 192, and Plut. *Pyrrh.* 6); the Greeks and Ariaeus took an oath to be true allies after sacrificing a bull, a wolf, a boar, and a ram over a shield (Aristoph. *Lysistr.* 188), the Greeks dipping their swords and the barbarians their lances into the blood (Xen. *Anab.* ii. 2, 9; cf. Herod. iv. 70, on the rites of the Scythians). The Phocaeans, before setting out for Cyrnus, invoked the heaviest curses on the man who should draw back from the expedition, and, having dropped a red-hot mass of iron into the sea, swore never to return to Phocaea till that mass reappeared upon the surface (Herod. i. 165; Hor. *Epod.* 16, 17 ff.; and Suid. *s. v.* Φωκαέων ἀρά: cf. Plut. *Arist.* 25). Valckenaer (*Opusc.* i. p. 27 ff.) tries to prove, from *Hymn. in Vener.* 27 and Soph. *Trach.* 1180 ff., that it was customary to touch the head of the person to whom the promise was made: certain it is that the hands were joined in making agreements and contracts (*Il.* iv. 158 ff.; Soph. *Philoct.* 803; Eur. *Iph. Aul.* 57, 471; *Med.* 496;—Xen. *Anab.* vii. 3, 1; ii. 4, 1). To make the taking of an oath more impressive, it was done sometimes in temples or other localities sacred to popular belief. Thus at Athens, in the temple of Athena on the Acropolis (Andoc. *de Myst.* § 42; Isocr. *Trap.* § 20; Dem. *pro Phorm.* p. 949, § 15; cf. Lys. *c. Diogit.* § 13); at Sparta, in the temple of Athena Chalcioecus (Plut. *Mor.* p. 218 D); in Arcadia, near the Styx, not far from Nonacris (Herod. vi. 74); at Haliartus, in the temple of the Praxidicae (Paus. ix. 33, 2); at Syracuse, in the temple of Demeter and Persephone (Plut. *Dion*, 56); at Gortyn, near the Amyclaean temple (*Gort. Code*, iii. l. 8), etc.

3. The occasions when oaths were taken. We find early mention in the Greek writers of oaths being taken on solemn and important occasions, as treaties, alliances, vows, compacts, and agreements, both between nations and individuals. Thus, when the Greeks and Trojans agree to decide the fate of the war by a single combat between Menelaus and Paris, they ratify their agreement by an oath (*Il.* iii. 276). The alliance between Croesus and the Lacedaemonians is confirmed by oath (Herod. i. 69). So in the treaty between the Medes and Lydians, whose rites in swearing (as Herodotus tells us, i. 74) were the same as those of the Greeks, with this addition, that they made an incision in their arms and tasted each other's blood (cf. Tacitus, *Ann.* xii. 47). We may further notice the alliance between Athens, Argos, Mantinea, and Elis, upon which every state was to swear, τὸν ἐπιχώριον ὅρκον τὸν μέγιστον κατὰ ἱερῶν τελείων (Thuc. v. 47); such treaties were as a rule cut in στῆλαι, together with the imprecations upon perjurers, and such στῆλαι were set up in or near temples (*C. I. G.* No. 2554, 2555); a part of the original monument from which Thucydides copied was discovered lately near the Dionysiac theatre (*C. I. A.* iv. No. 46 b, and Hicks, *Manual*, No. 52. See also Thuc. v. 18, 23); the oath of the Amphictyons (Aeschin. *c. Ctes.* § 109); the vow of the Ionian women (Herod. i. 146); of the Acarnanians (Polyb. ix. 40, 4; Liv. xxvi. 25), etc. Every new constitution, every settlement of party feuds, had to be confirmed and ratified by an oath. Thus the senate collectively and the archons individually swore to observe Solon's laws with fidelity for the space of ten years (Plut. *Sol.* 25; see also Herod. i. 29); when, after the overthrow of the Four Hundred, the democracy was restored at the beginning of the archonship of Glaucippus, Demophantus proposed and carried a decree prescribing the form of an oath to be taken by all Athenians to stand by the democratical constitution (Andoc. *de Myst.* § 97 f.; cf. Lyc. *c. Leocr.* § 127, and Dem. *c. Lept.* p. 505, § 159, τῆς Δημοφάντου στήλης); see also the additions to the oaths taken by the senate and by the dicasts (Andoc. *de Myst.* § 91). The security which an oath was supposed to confer induced the Greeks, as it has people of modern times, to impose it as an obligation upon persons invested with authority, or entrusted with the discharge of responsible duties. The Athenians, with whom the formalities of legislation were carried to the greatest perfection, were, of all the Greek states, the most punctilious in this respect. The youth after having completed his seventeenth year was not allowed to assume the privileges of a citizen and to be registered in the ληξιαρχικὸν γραμματεῖον without taking a solemn oath in the temple of Aglaurus (Dem. *F. L.* p. 438, § 303; Plut. *Alcib.* 15; Pollux, viii. 105: the Schol. to Dem. *l. c.* explains the reason why in the temple of Aglaurus). For the oath itself, cf. Pollux, viii. 105, Stob. *Floril.* 43, 48, and Lyc. *c. Leocr.* § 76 f.; see also the oath sworn by all the Greeks at Plataeae (Lyc. *c. Leocr.* § 80 f., μιμησάμενοι τὸν παρ' ὑμῖν εἰθισμένον ὅρκον: cf. Diod. xi. 29; Isocr. *Panegyr.* § 156). All ἀρχαὶ were required to bind themselves by an oath to perform their respective duties (Lyc. *c. Leocr.* § 79, yet see Hermann, *Staatsalt.* i. § 154, 1; cf. [Xenoph.] *Rep. Laced.* 15, on the oaths of the kings and ephors in Sparta). The archons first took the oath at the βασίλειος στοά (ἐπὶ τοῦ λίθου ἐφ' οὗ τὰ τόμια συός,

φυλάξειν τοὺς νόμους καὶ μὴ δωροδοκήσειν ἢ χρυσοῦν ἀνδριάντα ἀποτίσαι, Pollux, viii. 86, as emended by Bergk, *Rhein. Mus.* 1878, p. 448 ff.: cf. Plat. *Phaedr.* p. 235 D; Heracl. *Polit. quae extant*, ed. Schneidewin, p. 5, 15, and Plut. *Sol.* 25), and repeated it on the Acropolis (Pollux, *l. c.*). Part of the oath of the στρατηγοὶ is quoted by Lys. *pro Mil.* § 15, τοὺς ἀστρατεύτους καταλέξειν: as we learn from Plut. *Per.* 30, on the motion of Charinus a clause was added to the oath in B.C. 431: ὅτι καὶ δὶς ἀνὰ πᾶν ἔτος εἰς τὴν Μεγαρικὴν ἐμβαλοῦσιν, cf. Thuc. iv. 66; they took their oath (Dinarch. *c. Philocl.* § 2) μεταξὺ τοῦ ἕδους (*i.e.* the ἄγαλμα of Athena Polias; Bekk. *Anecd.* p. 246, 3) καὶ τῆς τραπέζης (on which the myrtle branches lay: Pollux, x. 69; Gilbert, *Staatsalt.* i. p. 212, n. 1). The oath of the judges of the games is mentioned in Dem. *c. Mid.* p. 520, § 17; p. 535, § 65; [Andoc.] *c. Alcib.* § 21; Plut. *Cim.* 8; Aristoph. *Eccles.* 1160 (cf. the oath of the athletes in Paus. v. 24, 2, δέκα ἐφεξῆς μηνῶν ἀπηκριβῶσθαί σφισι τὰ πάντα ἐς ἄσκησιν). We know portions of the βουλευτικὸς ὅρκος from various sources: κατὰ τοὺς νόμους βουλεύσειν (Xen. *Mem.* i. 1, 18), τὰ βέλτιστα βουλεύσειν τῷ δήμῳ τῷ Ἀθηναίων ([Dem.] *c. Neaer.* p. 1346, § 4; Lys. *c. Philon.* §§ 1, 31; *c. Nicom.* § 10), not to divulge the discussions at secret sittings (Lys. *c. Philon.* § 31; *c. Agor.* 21;—[Dem.] *c. Aristog.* i. p. 776, § 23; Aristoph. *Eccles.* 442 ff.), ἀποφαίνειν εἴ τίς τινα εἶδε τῶν λαχόντων ἀνεπιτήδειον ὄντα βουλεύειν (Lys. *c. Philon.* § 2), οὐδὲ δήσω Ἀθηναίων οὐδένα, ὃς ἂν ἐγγυητὰς τρεῖς καθιστῇ τὸ αὐτὸ τέλος τελοῦντας πλὴν ἐάν τις ἐπὶ προδοσίᾳ τῆς πόλεως ἢ ἐπὶ καταλύσει τοῦ δήμου συνιὼν ἁλῷ, ἢ τέλος τι πριάμενος ἢ ἐγγυησάμενος ἢ ἐκλέγων μὴ καταβάλλῃ (Dem. *c. Timocr.* p. 745, § 144; p. 746, § 147; p. 747, § 151;—Andoc. *Myst.* § 93: cf. [Andoc.] *c. Alcib.* § 3). In the archonship of Glaucippus in B.C. 410–409 was added, καθεδεῖσθαι ἐν τῷ γράμματι ᾧ ἂν λάχωσι (Philochorus, *fr.* 119 = Schol. Aristoph. *Plut.* 972: cf. Gilbert, *Beitr. z. innern Gesch. Athens*, p. 348 ff.); and in the archonship of Eucleides, οὐ δέξομαι ἐνδειξιν οὐδὲ ἀπαγωγὴν ἕνεκα τῶν πρότερον γεγενημένων πλὴν τῶν φυγόντων (Andoc. *de Myst.* § 91; Taylor, *Lect. Lysiac.* p. 325). Fraenkel (*Hermes*, 1878, p. 452 ff.; see also Westermann, *de iusiur. iudic. Athen. formula*, and *Att. Process*, ed. Lipsius, p. 153) restores the oath of the Heliastic dicasts (Dem. *c. Timocr.* p. 746, § 149) as follows: ψηφιοῦμαι κατὰ τοὺς νόμους καὶ τὰ ψηφίσματα τοῦ δήμου τοῦ Ἀθηναίων καὶ τῆς βουλῆς τῶν πεντακοσίων, περὶ δ' ὧν ἂν νόμοι μὴ ὦσι γνώμῃ τῇ δικαιοτάτῃ, καὶ οὔτε χάριτος ἕνεκ' οὔτ' ἔχθρας. καὶ ψηφιοῦμαι περὶ αὐτῶν ὧν ἂν ἡ δίωξις ᾖ καὶ ἀκροάσομαι τῶν τε κατηγορούντων καὶ τῶν ἀπολογουμένων ὁμοίως ἀμφοῖν. ὄμνυμι ταῦτα νὴ τὸν Δία, νὴ τὸν Ἀπόλλω [or Ποσειδῶ], νὴ τὴν Δήμητρα καὶ εἴη μέν μοι εὐορκοῦντι πολλὰ καὶ ἀγαθά, ἐπιορκοῦντι δ' ἐξάλεια αὐτῷ τε καὶ γένει. This oath very probably also contained (after ἔχθρας) the phrase: οὐδὲ δῶρα δέξομαι τῆς ἡλιάσεως ἕνεκα οὔτ' αὐτὸς ἐγὼ οὔτ' ἄλλος ἐμοὶ οὔτ' ἄλλη εἰδότος ἐμοῦ οὔτε τέχνῃ οὔτε μηχανῇ οὐδεμιᾷ. Westermann (*l. c.* pt. iii. p. 6 f.) took exception to ἐμοὶ οὔτ' ἄλλῃ ("putida sane haec est utriusque sexus distinctio"), but Hofmann (*de jurandi ap. Athen. formulis*, p. 49) restores the same phrase in *C. I. A.* ii. No. 578, and points to a similar one in *Gk. Inscr. Brit. Mus.* ii. No. 299 a (Calymna).* For a time ("its value being essentially temporary," Grote, *Hist. of Gr.* viii. p. 101 n.) the clause καὶ οὐ μνησικακήσω οὐδὲ ἄλλῳ πείσομαι, ψηφιοῦμαι δὲ κατὰ τοὺς κειμένους νόμους (Andoc. *de Myst.* § 91) was added to the oath.—The demotae took an oath at a διαψήφισις (ψηφιεῖσθαι γνώμῃ τῇ δικαιοτάτῃ καὶ οὔτε χάριτος ἕνεκ' οὔτ' ἔχθρας, Dem. *c. Eubul.* p. 1318, § 63; cf. p. 1301, § 8, p. 1306, § 26; Aeschin. *c. Tim.* § 78); and when the youths were enrolled in the ληξιαρχικὸν γραμματεῖον (Dem. *c. Eubul.* p. 1318, § 61; Isae. *Apollod.* § 28): for the oaths of the euthyni, logistae, and synegori of the demes, cf. *C. I. A.* ii. No. 578, and Aeschin. *c. Tim.* § 107; for that of the demarchus or some other officer in connexion with the *sacra* and the finances of the demes, cf. *C. I. A.* i. No. 9 = *Gk. Inscr. Brit. Mus.* i. No. 1.—The oath to be sworn in the δίκαι φονικαί is mentioned by Dem. *c. Aristocr.* p. 642, § 67; Din. *c. Dem.* § 47 (ἐν Ἀρείῳ πάγῳ), [Dem.] *c. Neaer.* p. 1348, § 9 f. (ἐπὶ Παλλαδίῳ); we know something of its contents: ἐν τῷ ὅρκῳ διορίζεται ὅ τι προσήκων ἐστί, [Dem.] *c. Everg. et Mnes.* p. 1161, § 73; μὴ ἄλλα κατηγορήσειν . . . . ἢ εἰς αὐτὸν τὸν φόνον, etc. (Antiph. *de caed. Herod.* § 11, cf. *de Choreut.* § 9; Lys. *c. Simon.* § 46; Pollux, viii. 117); ὁ μὲν διώκων ὡς ἔκτεινε διόμνυται, ὁ δὲ φείγων ὡς οὐκ ἔκτεινεν (Lys. *c. Theomn.* i. § 11; *c. Simon.* § 21; Antiph. *de Choreut.* § 16). An oath on the part of the prosecutor after he had gained his suit (ἐπὶ Παλλαδίῳ) is only mentioned by Aeschin. *F. L.* § 87. In other cases both the accuser and the defendant had to swear an oath in the ἀνάκρισις [ANAKRISIS]; on the oath of the witness, see MARTYRIA; on the evidentiary oath (even a woman who was not competent to give testimony could take an oath of this kind: *Att. Process*, ed. Lipsius, p. 898 ff.), see DIAETETAE. The importance, at least apparently, attached to oaths in courts of justice, is proved by various passages in the orators. Demosthenes constantly reminds his judges that they are on their oaths, and Lycurgus (*c. Leocr.* § 79) declares that τὸ συνέχον τὴν δημοκρατίαν ὅρκος ἐστίν: cf. Lys. *de Affect. Tyrann. Apol.* § 28.

According to Gortyn law, the judge (δικαστὰς) was bound in all the cases where this was prescribed by law to follow the evidence of witnesses, and to give credit to a denial on oath (δικάδδεν κατὰ μαιτύρανς ἢ ἀπόμοτον) touching other matters he had to decide himself under oath (ὀμνύντα κρίνεν, xi. ll. 26–31). Several instances of this oath of exculpation are given: it is sworn by a debtor, in default of witnesses (ix. l. 54); by a wife (within twenty days) who was charged with having taken away from the house more than her due on being divorced

* ναὶ τὸν Δία καὶ τὸν Ἀπόλλω τὸν Λύκ[ιον καὶ Γᾶν δικασσέω περὶ] ὧν κα ἀντίδικοι ἀντώμοσαν κατὰ γ[νώμαν τὰν δικαιοτάτα]ν . . . . οὐδὲ δῶρα ἔλαβον τὰς δίκας ταύτας ἕ[νεκεν οὔ]τε αὐτὸς ἐγὼ οὔτε ἄλ(λος) οὔτε ἄλλα ἐμί[ν οὐ μηχανῷ οὐδ]εμιᾷ· εὐορκεῦντι μέμ μοι εὖ εἶμεν, ἐπιορκεῦντ[ι δὲ τὰ ἐναντία]. Cf. also the oath administered to the dicasts in the inscription from Eresus (Cauer,[2] No. 430 c, l. 11 ff.): [ᾗ] [μ]ὰν δικάσσω τὰν [δίκαν] [ὁ]σσα μὲν ἐν τοῖ[ς νόμο]ις, τὰ δὲ ἄλλα ἐθ[ελ]όντας ὡς ἄριστα [καὶ δ]ικαίτατα, καὶ τιμά[σ]ω, αἴ κε κατάγνω, ὄρθω[ς κ]αὶ δικαίως· οὕτω ποήσω ναὶ μὰ Δία καὶ Ἄλιον.

from her husband (iii. l. 7; xi. l. 48 ff.). If a wife bore a child after being divorced, she had to carry it to her husband's house in the presence of three witnesses; if he refused to receive it, it was in her power either to bring it up or to expose it. If she exposed it, however, without having presented it, she made herself liable to a fine of 50 staters; if the husband afterwards claimed such a child or the fine for exposing it, her relatives and witnesses had preference in taking the oath (or had more title to credence) whether they carried the child to the father (*ὁρκιοτέρος δ' ἔμεν τὸς καδεστὰνς καὶ τὸς μαιτύρανς, αἰ ἐπέλευσαν*, iii. l. 44 ff.). A man taken in adultery with a free woman (not in her father's, brother's, or husband's house) was liable to a fine of 50 staters. The captor had to give notice, in the presence of three witnesses, to the kinsmen of the man taken, that they had to redeem him within five days; if he was not redeemed within that time, it was in the power of the captor to do with him as he liked. If the man taken asserted that a plot had been laid for him, the captor himself and four others had to swear, each calling down curses on himself, that no plot was laid (ii. l. 37 ff.). Lastly, a female house-slave debauched by force had a prior claim to swear, or had more title to credence (*ὁρκιοτέρα*, ii. l. 15 ff.).

The experience of all nations has proved the dangerous tendency of making oaths too common. The history of Athens and of Greece in general furnishes no exception to the observation. The practice of swearing in daily life became very common amongst the Greeks, and in vain did lawgivers and philosophers try to check it. Rhadamanthus did not allow swearing by the gods at all, but ordained swearing by beasts (Schol. Aristoph. *Av.* 521); Lampon used to swear by the goose, Socrates by the dog (Plat. *Apol.* p. 21 E: cf. Athen. ix. 9), etc., in order that they might not take the names of the gods in vain (cf. phrases like *μὰ τὸν* with the name of the deity suppressed, Aristoph. *Ran.* 1374; Plat. *Gorg.* p. 466 E, etc.). *Ὅρκῳ μὴ χρῶ* was the maxim of one of the wise men (Stob. *Floril.* 3, 80): cf. Theognis, 399, 1195 ff. "Accept an imposed oath for two reasons only," says Isocrates (*ad Demon.* § 23), "either to free yourself from a shameful charge, or to rescue your friends from great perils; never swear where it is a question of money:" cf. Plat. *Legg.* xii. p. 948, who restricts the oath to those who, as far as men may judge, have nothing to gain by a false oath. The sayings of Solon (*καλοκἀγαθίαν ὅρκου πιστοτέραν ἔχε*, Diog. L. i. 60) and Aeschylus (*οὐκ ἀνδρὸς ὅρκοι πίστις, ἀλλ' ὅρκων ἀνήρ*, *fr.* 290 Dind. = Stob. *Floril.* 27, 2) do not imply depreciation of the oath, but rather enforce the necessity of truthfulness in all the transactions of life. Complaints about perjury are almost as old as the oath itself (Hesiod, *Op. et D.* 190 foll.; Eur. *Iph. T.* 1171; Plat. *Legg.* xii. p. 948, etc.), and the Greeks never enjoyed the reputation of observing their oaths very strictly, although they were probably in this respect no worse than others (Mahaffy takes a more unfavourable view of them: *Social Life in Greece*, pp. 123, 414 ff.). The Spartans especially had a bad name for violating oaths (Isocr. *de Pac.* § 96; Eur. *Androm.* 447 ff., *ψευδῶν ἄνακτες*, etc.; Aristoph. *Acharn.* 308: cf. the story of king Cleomenes and the Argives in Plut. *Moral.* p. 223 B, C, and the saying of Lysander, *ὅπου ἡ λεοντῆ μὴ ἐφικνεῖται, προσαπτέον ἐκεῖ τὴν ἀλωπεκῆν*, etc., Plut. *Lys.* 7). The Cretans were proverbially perjurers (Callim. *Hymn. in Jov.* 8, *Κρῆτες ἀεὶ ψεῦσται*: St. Paul, *Tit.* i. 12, etc.), and so were the Thessalians (Dem. *Olynth.* i. p. 15, § 22; *c. Aristocr.* p. 657, § 112; *ἀεὶ τὰ Θετταλῶν ἄπιστα, ἡ παροιμία φησίν*, Schol. Aristoph. *Plut.* 521). It was different with the Athenians, and "fides Attica" was proverbially used to denote perfect trustworthiness and good faith (Vell. Paterc. ii. 23, 4); the words which Euripides put in the mouth of Hippolytus (611), *ἡ γλῶσσ' ὀμώμοχ', ἡ δὲ φρὴν ἀνώμοτος*, are said to have provoked cries of indignation amongst the audience. (Lasaulx, *Ueber den Eid bei den Griechen*). [L. S.] [H. H.]

2. ROMAN. The subject of Roman oaths may be treated under four different heads, viz. (i.) oaths taken by magistrates and other persons who entered the service of the Republic, (ii.) oaths taken in transactions with foreign nations in the name of the Republic, (iii.) oaths or various modes of swearing in common life, (iv.) oaths taken before the praetor or in courts of justice.

(i.) *Oaths taken by magistrates or other persons who entered the service of the Republic.*—In the later periods of Roman history we find evidence of an oath which was taken by candidates immediately on their election and before the *renuntiatio* was made. This oath of fealty to the state was taken by the Emperor Trajan on his election to the consulship (Plin. *Pan.* 64), and the form of the *execratio* is given by Pliny (*l. c.* "explanavit verba quibus caput suum, domum suam, si sciens fefellisset, deorum ille irae consecraret"), the gods appealed to being Jupiter and the Dii Penates, to whom were added later the *genii* of the deified emperors (Lex Malacitana, *C. I. L.* ii. n. 1964, cc. 57, 59). We have every reason to think that this oath extended back to republican times, but Mommsen remarks that it could never have been formally necessary, since it supposed the presence of the candidate, which had not been always a necessary condition of election (*Staatsr.* i. p. 620). Besides this oath, there was another originating from the power the populus possessed of binding either present or future magistrates to respect a *lex*. This became eventually a general oath *in leges*, which was required of all magistrates already elected before entering on their official functions, and which had to be taken five days after entrance on office (Liv. xxxi. 50). If we may argue from the Lex Salpensana (*C. I. L.* ii. n. 196, c. 26), the magistrate could not summon the senate until the oath had been taken; and from the fact that the new magistrate generally summoned the senate upon the day of his entrance on office, it is concluded that the oath must generally have been taken on Jan. 1st (Mommsen, *Staatsr.* i. p. 621). The penalty for not taking the oath within five days was originally loss of office (Liv. *l. c.*); afterwards apparently only a fine (Lex Salpens. c. 26): but persistence in a refusal to take the oath must always have been followed by the severer penalty. Vestal virgins and the flamen Dialis were not allowed to swear on any occasion (Liv. *l. c.*; Fest. s. v. *jurare*; Gell. x. 15; Plut. *Qu.*

Rom. p. 275); but whether they also entered upon their sacred offices without taking an oath analogous to that of magistrates is unknown. Where a flamen dialis was elected to a magistracy he might petition the people for an especial dispensation (*ut legibus solveretur*), and with their consent depute some one to take the oath for him. During the later period of the Republic we also find that magistrates, when the time of their office had expired, addressed the people and swore that during their office they had undertaken nothing against the Republic, but had done their utmost to promote its welfare (Cic. *ad Fam.* v. 2, § 7; *pro Sulla*, 11; *in Pison.* 3; *pro Dom.* 35). During the Empire we find the Emperor Augustus taking this oath after the holding of the census (Dio Cass. liii. 1), as it had been taken by the censors of the Republic (Liv. xxxix. 37), and the Emperor Trajan taking it when laying down the consulship (Plin. *Pan.* 65). In cases where the people required the observance of a special *lex* to be sworn to, the existing magistrates were sometimes required to take the oath five days after the passing of the law (Lex Bantina, *C. I. L.* i. n. 197, l. 14). Other laws bound candidates for office to swear to their observance, as was the case with Caesar's Campanian law (Cic. *ad Att.* xi. 18, 2, "habet etiam Campana lex execrationem in contione candidatorum"): and in the case of the agrarian law of Saturninus the whole senate was made to promise on oath that they would observe the plebiscitum, and allow it to be carried into effect. The censor Q. Metellus, who refused to swear, was sent into exile (App. *Bell. Civ.* i. 30; Plut. *Mar.* 29). Analogous to the oath *in leges* was that which was required to be taken during the Empire, to observe the *acta* of the emperors. The obligation to swear *in acta Caesaris* began in 45 B.C. (App. *Bell. Civ.* ii. 106), and was renewed during the triumvirate (Dio Cass. xlvii. 18), the formula running *se nihil contra acta Caesaris facturum.* This oath bound both magistrates and senate to observe the ordinances of all past emperors, except those whose reigns and memory had been condemned (Suet. *Tib.* 67; Tac. *Ann.* i. 72, xii. 11; Dio Cass. lvii. 8, lx. 9), and was renewed yearly on Jan. 1st (Dio Cass. lviii. 17).

All Roman soldiers, after they were enlisted for a campaign, had to take the military oath (*sacramentum*). The sacramentum first *gave* the soldier the right of using weapons against enemies, and distinguished true *militia* from mere rapine or *latrocinium* (Liv. viii. 34, "latrocinii modo caeca et fortuita pro solemni et sacrata militia sit"). The oath contained an *execratio*, and he who broke it was *sacer*. Hence he could be put to death without trial by the general (Dionys. xi. 43). In accordance with the collegiate principle the oath was taken to all the colleagues, the soldier being said *jurare in verba consulum*, &c. (Liv. ii. 52). It was a personal obligation and did not descend to successors in command, except these were in the circle of colleagueship. It, therefore, had to be renewed at every change of command (Liv. iii. 20; Mommsen, *Staatsr.* i. p. 623), and ceased to be binding when the general was taken by the enemy (Caes. *Bell. Civ.* ii. 32). The formal sacramentum was administered in the following manner. Each tribunus militum assembled his regiment, and picked out one of the men to whom he put the oath that he would obey the commands of his generals and execute them punctually (ἢ μὴν πειθαρχήσειν καὶ ποιήσειν τὰ προσταττόμενον ὑπὸ τῶν ἀρχόντων κατὰ δύναμιν, Polyb. vi. 21, 2). The other men then came forward one after another and expressed their obligation to the oath, which had been sworn "conceptis verbis" by the first, by the words *idem in me* (Fest. s. v. *Praejuratio*, p. 224; Polyb. *l. c.*; Liv. ii. 45; Serv. *in Aen.* vii. 1). Livy (xxii. 38) says that until the year 216 B.C. the military oath was only a sacramentum taken by acclamation, the soldiers swearing voluntarily (*conjurabant*), and promising that they would not desert from the army nor leave the ranks except to fight against the enemy or to save a Roman citizen. But in the year 216 B.C. the soldiers were compelled by the tribunes to take the oath which the tribunes put to them, that they would meet at the command of the consuls and not leave the standards without their orders, so that in this case the military oath became a *jusjurandum.* The *conjuratio*, however, continued to exist side by side with the later sacramentum, and was employed in cases of *tumultus*, in which there was no time for the recruits to swear singly, and the oath was uttered simultaneously by the troops (Serv. *ad Aen.* viii. 1). Lastly, in cases of sudden danger we find the *evocatio* employed, which gave rise to the third kind of military oath. The name was applied to the demand made on soldiers who had served their time to resume service on a sudden emergency; the general addresses these citizens (*cives*, for they are not properly *milites*, Serv. *ad Aen.* ii. 157) with the words "Qui Rempublicam salvam vultis me sequimini" (Donat. *ad* Ter. *Eunuch.* iv. 7, 2): and they answer by an acclamation that has all the force of an oath. The true *sacramentum* only belonged to *legitima militia*, which was distinguished from the conjuratio and evocatio, as a more to a less formal mode of exercising war; but in each case it was the oath which rendered the act of warfare legitimate, by showing that the soldier was acting in the service of the state. Polybius (vi. 33) speaks of another military oath which was taken in camp. This was put to all who served in the army, whether freemen or slaves, as soon as the castrametatio had taken place, by which all promised that they would steal nothing from the camp, and that they would take to the tribunes whatever they might happen to find. A perfect formula of a military oath is preserved in Gellius (xvi. 4).

During the Empire the *sacramentum* acquired a greater extension as the oath of fealty to the emperor. There was no special oath to the princeps as such, but the military oath was taken to him as imperator. As the republican soldier swore *in verba consulis*, so the subjects of the emperor swore *in verba principis* or *in nomen principis* (Tac. *Ann.* i. 7 and 8). The subjects of the emperor, whether citizens or provincials, were in the habit of swearing allegiance, although the oath was only formally necessary for the soldiers, and was a voluntary act on the part of the magistrates, the burgesses and the provincials (Tac. *Ann.* i. 7; Plin. *ad Traj.* 52). It was renewed on every recurrence of the day on which it had been taken (Plin. *l. c.*) and also on every

new year's day (Tac. *Ann.* i. 8; *Hist.* i. 55). It was administered both at Rome and in the provinces: at Rome by the chief magistrates, the consuls (Tac. *Ann.* i. 7); in the provinces by the provincial governor (Tac. *Ann.* i. 34; Joseph. *Ant. Jud.* xviii. 5, 3). On the accession of Tiberius we find that the consuls took it first, then administered it to the two chief non-senatorial officers, the praefecti praetorio and annonae, and then to the senate, soldiers, and populus (Tac. *Ann.* i. 7). The form of the oath was probably on the whole the same as that of the sacramentum taken to the republican imperator; but we find that a clause was added in which the soldiers declared that they would consider the safety of the emperor of more importance than anything else in life, and that they held him dearer than themselves and their children (Suet. *Calig.* 15; Dio Cass. lix. 9). (On the magistrate's oath, see Mommsen, *Römisches Staatsrecht*, i. pp. 619–622; Madvig, *Verwaltung und Verfassung des römischen Staats*, i. p. 393, ii. p. 547. On the military oath, see Brissonius, *de Formul.* iv. c. 1–5; Mommsen, *Röm. Staatsr.* i. p. 623, ii. p. 792; Marquardt, *Römische Staatsverwaltung*, ii. p. 372 ff.; Madvig, *Verw. und Verf. d. röm. St.* ii. pp. 479, 546.)

(ii.) *Oaths taken in transactions with foreign nations in the name of the Republic.*—There were two main forms of agreement with a foreign nation: the *sponsio* (the formula of question and answer), which soon lost the religious signification which it possessed, and the *foedus* or sworn treaty. The latter was usually ratified by two or more members of the college of Fetiales, under the authority of the magistrates of the state. The conclusion of the terms of agreement was the act of the magistrate, the king, the consul, or the proconsul in the field; but after he had dictated, or had accepted the terms of agreement, the Fetiales came forward at his bidding (Liv. i. 24, xxx. 43), and swore, on behalf of the state, that they should be observed. The presence of the magistrate at this ceremony was not necessary, and the foedus might contain only the names of the Fetiales as witnesses to its observance (Liv. ix. 5, 4); but it was necessarily understood that the oath which they took was taken by the imperator (Liv. i. 24, 9), and the state was bound by this act of magistrate and priest. It is probable, however, that for the ratification of a sworn foedus the intervention of the Fetiales was not necessary, although their presence gave added sanctity to the treaty; and that, besides the *sponsio*, we must consider that there was a *foedus* capable of being sworn to by an imperator besides that sworn to by the Fetiales. Of the former kind was in all probability the treaty concluded at the Caudine Forks; the absence of the Fetiales made it none the less binding, but rendered its violation less of an open breach of religion than would have been the case, had they been present and sworn its observance (Mommsen, *Staatsr.* i. p. 251, n. 1). The Fetiales did not accompany the general to the field; and in every case of a treaty being sworn to with full solemnity at a distance from Rome, they had to be sent to the seat of war (Liv. xxxviii. 39, 1): thus, after the Second Punic War, we find them travelling to Africa to perform the ancient ceremonies (Liv. xxx. 43). The oath which they took was in the form of an *execratio*, or imprecation pronounced on the state they represented, in the case of its wilful violation of the terms of the treaty ("Si prior defexit publico consilio dolo malo," Liv. i. 24). The most ancient form of oath of this kind is recorded by Livy (i. 24) in a treaty between the Romans and Albans. The *pater patratus* pronounced the oath in the name of his country, and struck the victim with a flint stone, calling on Jupiter to destroy the Roman nation in like manner as he (the pater patratus) destroyed the animal, if the people should violate the oath. The *execratio* was sometimes differently worded, the Fetiales casting away the stone from his hands and saying, "Si sciens fallo, tum me Diespiter salva urbe arceque bonis ejiciat, uti ego hunc lapidem" (Festus, s. v. *Lapidem*, p. 115). Owing to the prominent part which the stone (*lapis silex*) played in this act, Jupiter himself was called Jupiter Lapis (Cic. *Fam.* vii. 12; cf. Polyb. iii. 25); other deities whose names might enter into the *execratio* were Mars and Quirinus (Polyb. *l. c.*). In swearing to a treaty with a foreign nation a victim (a pig or a lamb) was always sacrificed by the Fetiales (whence the expressions *foedus icere*, ὅρκια τέμνειν), and the priest, while pronouncing the oath, touched the victim or the altar (Verg. *Aen.* xi. 201; Liv. xxi. 45: cf. FETIALES). The employment of the Fetiales for the purpose of ratifying a foedus continued throughout the Republic (Varro, *L. L.* viii. 86): in the Empire it seems to have sunk into disuse, although the ceremony was revived by Claudius (Suet. *Claud.* 25). At first the Romans were very scrupulous in observing their oaths in contracts or treaties with foreigners, and even with enemies; but attempts were soon made by individuals to interpret an oath sophistically and explain away its binding character (Gell. vii. 18; Liv. iii. 20, xxii. 61; Cic. *de Off.* iii. 27, § 102); and from the Third Punic War to the end of the Republic, perjury was common among the Romans in their dealings with foreigners as well as among themselves. (Mommsen, *Römisches Staatsrecht*, i. p. 249 ff.) [L. S.] [A. H. G.]

(iii.) *Oaths or various modes of swearing in common life.*—The practice of swearing or calling upon some god or gods as witnesses to the truth of assertions made in common life or in ordinary conversations, was as common among the Romans as among the Greeks. The various forms used in swearing may be divided into three classes:—

1. Simple invocations of one or more gods, as *Hercle* or *Mehercle*,—that is, ita me Hercules juvet, amet, or servet (Fest. s. v. *Mecastor*); *Pol*, *Perpol* or *Aedepol*, that is, per Pollucem; *per Jovem Lapidem*, or simply *per Jovem*; *per superos*; *per deos immortales*; *medius fidius*, that is, ita me Dius (Δῖος) filius juvet (Fest. *s. v.*; Varro, *de Ling. Lat.* v. 66 M.); *ita me deus amet*, or *dii ament*. Sometimes also two or a great number of gods were invoked by their names (Plaut. *Bacchid.* iv. 8, 51; Terent. *Andr.* iii. 2, 25). The genii of men were regarded as divine beings, and persons used to swear by their own genius, or by that of a friend, and during the Empire by that of an emperor (Hor. *Epist.* i. 7, 94; Suet. *Calig.* 27). Women as well as men swore by most of the gods; but some of them were peculiar to one of the sexes.

Thus women never swore by Hercules, and men never by Castor; Varro, moreover, said that in ancient times women only swore by Castor and Pollux, while in the extant writers we find men frequently swearing by Pollux (Gellius, xi. 6). Juno and Venus were mostly invoked by women, but also by lovers and effeminate men in general (Plaut. *Amphitr.* ii. 2, 210; Tibull. iv. 13, 15; Juv. ii. 98; Ovid, *Amor.* ii. 7, 27, ii. 8, 18).

2. Invocations of the gods, together with an execration, in case the swearer was stating a falsehood. Execrations of this kind are, *Dii me perdant* (Plaut. *Mil. Glor.* iii. 2, 20; *Cistell.* ii. 1, 21); *dii me interficiant* (Plaut. *Mostell.* i. 3, 35); *dispeream* (Hor. *Sat.* i. 9, 47); *ne vivam* (Cic. *ad Fam.* vii. 23; Mart. x. 12, 3); *ne salvus sim* (Cic. *ad Att.* xvi. 13), &c.

3. Persons also used to swear by the individuals or things most dear to them. Thus we have instances of a person swearing by his own or another man's head (Dig. 12, 2, 3, 4; Ovid, *Trist.* v. 4, 45; *Heroid.* iii. 107; Juv. vi. 16), by his eyes (Plaut. *Menaech.* v. 9, 1; Ovid, *Amor.* ii. 16, 44), by his own welfare or that of his children (Dig. 12, 2, 5; Plin. *Epist.* ii. 20), by the welfare of an emperor (Cod. 2, 4, 41), &c.

Respecting the various forms of oaths and swearing, see Brissonius, *de Formul.* viii. cc. 1–18. [L. S.]

(iv.) *Oaths of parties to an action.*—A party to an action might be required to take an oath (jusjurandum) either when the proceedings were before the magistratus (in jure) or when the trial was taking place before a judex (in judicio). The jusjurandum in jure is the oath which one party proffered to his adversary (*detulit*) that he should take about the matter in dispute, the effect of taking or refusing it being equivalent to that of judgment. Thus, if the defendant took the oath on its being proffered to him by the plaintiff, he was free of the action, and he had answer to any future action on the same claim in the *exceptio* (plea) *jurisjurandi*, analogous to the *exceptio rei in judicium deductae* and *rei judicatae*. If he simply refused to take it, such refusal was equivalent to confession ("confessionis est nolle nec jurare nec jusjurandum referre"), and so he was in the position of a judgment debtor. A defendant might, however, instead of taking the oath, throw it back on the plaintiff (*jusjurandum referre*), in which case, if the plaintiff accepted the oath, the action was concluded in his favour; and on the other hand, if he refused it, his claim was extinguished. A defendant not challenged to take the oath by the plaintiff might himself propose it (Paul. ii. 1, 1: "alter ex litigatoribus"). A person before accepting the oath might call on the person proposing it to take the *jusjurandum calumniae* (CALUMNIA; cf. Quintil. *Inst. Or.* v. 6, 5).

In the event of the defendant refusing to swear, or of the plaintiff accepting the oath when it was offered to him, the plaintiff was allowed by the praetor an *actio in factum*, which corresponded to the *actio judicati*. The reason of the jusjurandum having the effect of judgment is explained to be that a party to a cause makes his adversary the judex by proffering the oath to him (*deferendo ei jusjurandum*, Dig. 44, 5, 1: cf. Quintil. *l. c.* § 4, "qui defert, alioqui agere modeste videtur, cum litis adversarium judicem faciat"); the person who proffers the oath voluntarily leaving the matter to the judgment of the Gods and to the conscience of his opponent, instead of having it tried in the ordinary way. Its effect was even greater than that of judgment, since it did not leave an outstanding *obligatio naturalis* (Dig. 12, 2, 2: "Jusjurandum speciem transactionis continet, majoremque habet auctoritatem quam res judicata").

The jusjurandum in jure is called *necessarium*, because he to whom it is proffered cannot simply refuse it, being thus opposed to the jusjurandum voluntarium, which was a proceeding of the same kind as the jusjurandum in jure, except that it took place out of court. The jusjurandum voluntarium, as well as the jusjurandum necessarium, might be a bar to any further claim (Dig. 44, 5, 1; *Ep. Hebr.* vi. 16, *πάσης ἀντιλογίας πέρας ... ὁ ὅρκος*), or it might give rise to an *actio in factum*.

As the proffer of an oath was possibly prejudicial to a person's interests, so only those who were fully capable of acting for themselves could proffer it. A person could not be compelled to take the oath unless he was of sufficient age: thus a pupillus could not be made subject to the oath. Nor could a procurator or defensor, a vestal and a flamen dialis, be compelled to swear (Gell. x. 15).

The jusjurandum in jure may have been first used in the *legis actio per condictionem*, and hence its connexion with the *actio pecuniae creditae* in the Code. In the formulary procedure its legal effects depended on the edict of the praetor. The jusjurandum in judicio (jusjurandum judiciale), which is an oath proffered by one party to the other at the trial of the action, has not the effect of the jusjurandum in jure; it is merely evidence, and the judex can give it such probative force as to him seems just. The employment of it was sometimes prejudicial to the party who proposed it. (See Quintil. *Inst. Or.* v. 6; M. Annaeus Seneca, *Controv.* iii. praef.) The oath was not compulsory, but the refusal of it was regarded as strong evidence against the party refusing, unless he was ignorant of the matter in question, or was excused from swearing in order that he might not lay himself open to the suspicion of perjury.

A judex might require a party to an action to make a declaration on oath respecting a matter in dispute. Such an oath was particularly applicable in cases in which the judex had to determine the value of the matter in dispute. As a general rule the *aestimatio*, or estimation of value or damages, was to be made by the judex conformably to the evidence furnished by the plaintiff; but if the defendant by his dolus or contumacia prevented the plaintiff from recovering the specific thing which was the object of the action, and consequently the plaintiff must have the value of it, the judex could put the plaintiff to his oath as to the value of the thing: but he could also fix a limit (*taxatio*) which the plaintiff must not exceed in the amount which he declared upon oath. This is called "jusjurandum in litem" (Dig. 12, 3). This oath is merely evidence: the judex may still either acquit the defendant or condemn him in a less sum.

As to the jusjurandum calumniae, see CALUMNIA; and see JUDEX, JUDICIUM. (Paul. ii. 1, *de rebus creditis et de jurejurando*; Dig.

12, 2, *de jurejurando sive voluntario sive necessario, sive judiciali*; Cod. 4, 1, *de rebus creditis et jurejurando*; Puchta, *Inst.* § 173; Savigny, *System*, §§ 309–313; Keller, *Civilprocess*, § 64; Bethmann-Hollweg, *Civilprocess*, § 107.)

[G. L.] [E. A. W.]

JUSSU, ACTIO QUOD. A paterfamilias or a master of a slave who gave an order (*jussus*) authorising a contract to be entered into with his filiusfamilias or slave was made liable by this action on account of a contract thus entered into, as if he had been himself a party to it. (Dig. 15, 4, 1, pr.: "Merito ex jussu domini in solidum adversus eum judicium datur; nam quodammodo cum eo contrahitur quid jubet.") The order might be given directly to the other contracting party, or it might be implied by the appointment of a son or a slave to conduct a business or to enter into a particular transaction; but, to make the superior liable, the other party must have contracted with the filiusfamilias or slave as a representative. The *actio quod jussu* is a praetorian action, and belongs to the class of *actiones adjecticiae qualitatis*. (Dig. 15, 4; Gaius, iv. 70; Vangerow, *Pandekten*, i. § 240, Anm.; Windscheid, *Pandekten*, ii. § 482.) [EXERCITORIA; INSTITORIA ACTIO.] [E. A. W.]

JUSTA FU'NERA. [FUNUS.]

JUSTINIANE'US CODEX. [CODEX JUSTINIANEUS.]

JUSTI'TIUM. Justitium (derived from "Juris statio") was the name given to the suspension of certain public and private business of the community which was ordered by the higher magistrates at Rome, when occasion seemed to demand it: the name being derived from the suspension of that department of state which was the most obvious and constant sign of political life, the courts of law. The declaration of a justitium rested on the right of intercession in one of its forms—the right, that is, possessed by the higher magistrates, those armed with *major potestas*, of forbidding all action on the part of the inferior magistrates [INTERCESSIO]. It was usually pronounced by the highest magistrate present in Rome who possessed the imperium, by the dictator (Liv. iii. 27, 2; vii. 9, 6), or by the consuls (*Mon. Ancyr.*[2] 2, p. 54), and was generally called forth by some great public event, such as a war or a calamity affecting the whole state. But such a suspension of business might be declared for the purposes of party warfare. It was not unfrequently declared with this object by the tribunes, who, in order to break down the opposition to a measure they advocated, might issue a decree, based on their superior right of veto, announcing a total suspension of business until their object was attained (Plut. *Tib. Gracch.* 10, *διαγράμματι τὰς ἄλλας ἀρχὰς ἁπάσας ἐκώλυσε χρηματίζειν, ἀχρὶ ἂν ἡ περὶ τοὺς νόμους διενεχθῇ ψῆφος*). Against the tribune, on the other hand, the higher patrician magistrates, the consul and praetor, could employ no such weapon directly. Indirectly, however, they could, on their own authority, check the passing of a plebiscitum by a decree which had the practical effect of a justitium; namely, by the declaring of those "feriae, quas consules vel praetores pro arbitrio potestatis edicunt" (Macrob. *Saturn.* i. 16, 6). In order to secure obedience on the part of the lower magistrates to a prohibition of this sweeping kind pronounced by a superior, some sanction was required, and hence we find that the tribune, in pronouncing the justitium, also declared a penalty in case of disobedience (Plut. *Tib. Gracch.* 10, *τοῖς ἀπειθήσασι τῶν στρατηγῶν ζημίαν ἐπεκήρυξεν, ὥστε πάντας ὑποδείσαντας ἀφεῖναι τὴν ἑκαστῷ προσήκουσαν οἰκονομίαν*). But, as Mommsen points out, the fact that the lower magistrate's actions have been forbidden by the higher, does not create an invalidity in an act the former may choose to perform in spite of the prohibition. The magistrate's right to forbid differs from the magistrate's intercession, in that the latter is levelled at a completed act and renders it invalid; the former, which is a prohibition based on some power which the magistrate has in reserve, is merely "the threat of coercitio in the case of opposition" (Mommsen, *Staatsr.* i. p. 252); and if the coercitio is not effectively put forward, the act that contravenes the command is valid.

Such was the Justitium so far as it rested on the bare theory of the magistrate's power, but as such it was rarely realised. The action of Tiberius Gracchus in declaring a suspension of business on his own authority was no doubt legal, but was also highly unconstitutional, both in regard to the purpose for which it was employed, and in its being employed at all without the previous advice of the senate. As a rule the justitium was proposed on a vote of the senate (Liv. iii. 3, 8; Cic. *Phil.* v. 12, 31) and to meet certain definite contingencies. It might be pronounced on the occasion of a festival (Dio Cass. lix. 7), but the most usual circumstances that called for it were a sudden war or tumultus (Liv. iii. 5, 4, vi. 7, 1; Cic. *Phil.* v. 12, 31), or public mourning, such as that following on a national disaster or the death of a distinguished man. A justitium of the latter kind was declared after the death of the dictator Sulla (Granius Licin. p. 44, Bonn, "Justitium fuit matronaeque eum toto anno luxerunt"), and generally, under the principate, on the death of a member of the ruling house, as on that of Augustus (Tac. *Ann.* i. 16), Germanicus (*ib.* ii. 82), and the younger Drusus (Suet. *Tib.* 52). The justitium on these occasions sometimes closed with the funeral ceremonies (*Monumen. Ancyr.*[2] p. 115, "Romae justitium indictum est, donec ossa ejus in mausoleum inferrentur"), but were sometimes prolonged beyond it (Suet. *Tib.* 52, "non statim a funere ad negotiorum consuetudinem rediit justitio longiore inhibito"); and it is a probable supposition that, on the occasion of any public funeral, a short justitium was declared for the time during which the funeral retinue remained in the forum (Mommsen, *Staatsr.* i. p. 251, n. 4). The cessation of the justitium ("justitium remittere," Liv. x. 21, 6) was pronounced, when the circumstances that demanded it were past, by a decree of the same magistrate who had enjoined it.

The effect of a justitium was the suspension of almost all the business of the state, including the administration of justice both civil and criminal, and was accompanied by the closing of the Aerarium (Cic. *de har. Resp.* 26, 55, "justitium edici oportere, jurisdictionem intermitti,

claudi aerarium, judicia tolli;" Plut. *Tib. Gracch.* 10, τῷ δὲ τοῦ Κρόνου ναῷ σφραγῖδας ἰδίας ἐπέβαλεν) and the suspension of the senate's sittings (Cic. *pro Planco*, 14, 33). It even extended to private business, when the exercise of this would have interfered with the purposes for which the justitium was declared (Liv. iii. 27, 2, "dictator justitium edicit, claudi tabernas tota urbe jubet, vetat quemquam privatae rei quicquam agere:" cf. Liv. ix. 8, 7). But it did not necessarily suspend all the business of the state, since for political purposes it was often declared that exclusive attention might be given to some sphere of state administration. If declared on the occasion of a war, the dilectus still went on (Liv. vi. 7, 1); and during the Justitium declared in the time of the Social war, the Varian commission still sat, in spite of the suspension of all other judicial business (Cic. *Brut.* 89, 304, "exercebatur una lege judicium varia, ceteris propter bellum intermissis"). (Mommsen, *Römische Staatsrecht*, i. pp. 263–266.) [A. H. G.]

JUVENA'LIA, or JUVENA'LES LUDI (Ἰουβενάλια ὥσπερ τινὰ νεανισκεύματα), were scenic games instituted by Nero in A.D. 59, in commemoration of his shaving his beard for the first time, thus intimating that he had passed from youth to manhood. He was then in the twenty-second year of his age. These games were not celebrated in the circus, but in a private theatre (Plin. *H. N.* xxxvii. § 19) erected in a pleasure-ground (*nemus*), and consisted of every kind of theatrical performance, Greek and Roman plays, mimetic pieces, and the like. The most distinguished persons in the state, old and young, male and female, were expected to take part in them. The emperor set the example by appearing in person on the stage; and Dio Cassius mentions a distinguished Roman matron, upwards of eighty years of age, who danced in the games. It was one of the offences given by Paetus Thrasea that he had not acquitted himself with credit at this festival (Dio Cass. lxi. 19; Tac. *Ann.* xiv. 15, xv. 33, xvi. 21). Suetonius (*Ner.* 12) confounds this festival with the Quinquennalia, which was instituted in the following year, A.D. 60. [QUINQUENNALIA.] The Juvenalia continued to be celebrated by subsequent emperors, but not on the same occasion. The name was given to those games which were exhibited by the emperors on the 1st of January in each year. They no longer consisted of scenic representations, but of chariot-races and combats of wild beasts. (Dio Cass. lxvii. 14, of Domitian; Sidon. Apoll. *Carm.* xx. 315, 433; Capitol. *Gord.* 4: cf. Lipsius, *ad* Tac. *Ann.* xiv. 15.) [W. S.] [A. S. W.]

K. *See* C.

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